

TOWN OF MONTREAT

SUBDIVISION ORDINANCE

ARTICLE V - GENERAL REQUIREMENTS AND DESIGN STANDARDS FOR SUBDIVISIONS

500 Suitability of Land. Where land to be subdivided is found by the Planning and Zoning Commission to be subject to the conditions of flooding, improper drainage, severe erosion, slides, or to have other characteristics which pose an ascertainable danger to health, safety, or property, the subdivider shall take measures necessary to correct said conditions and to eliminate said dangers. Any findings made by the Planning and Zoning Commission pursuant to this section and the basis for said findings shall be in writing and recorded in the minutes of the Planning and Zoning Commission.

501 Conservation Design. The requirements in this section are intended to provide for a subdivision design that is more efficient and better suited to the natural features of the land. Conservation design allows smaller and less costly networks of roads and utilities, encourages closer-knit and potentially safer neighborhoods, preserves sensitive farmland, woodlands, scenic views and open space, and reduces the amount of impervious surface and resulting stormwater runoff. The open space provided by conservation design can be used to provide recreational opportunities for the subdivision's residents or employees, to conserve and protect significant natural areas and environmentally sensitive areas, to conserve important historic resources, and/or to conserve productive forestry uses.

501.1. Compliance. The conservation subdivision design option – once chosen - shall proceed in accordance with the requirements of this section. Notwithstanding the foregoing, subdivisions of land situated entirely within the R-1 or R-3 zoning classifications containing at least five contiguous acres may utilize conservation design but are not required to do so.

It is the intent of this section to preclude any attempt to avoid conservation design by the sequential subdivision of land into two or more subdivisions containing less than 10 acres. To that end, two or more subdivisions shall be aggregated and treated as a single subdivision under this ordinance when they are contiguous to property owned or controlled by person(s) owning or controlling the land to be subdivided.

501.2. General design requirements. In addition to the other standards contained in these regulations, conservation design subdivisions shall comply with the following design requirements.

- 1) *Minimum conservation design subdivision site size.* The minimum land area within a parcel to create a conservation design subdivision shall be at least five contiguous acres.

- 2) *Maximum number of lots in conservation design subdivision.* The maximum number of lots allowed within a conservation design subdivision shall be determined by dividing the total acreage in the tract, excluding state road and town street rights-of-way and primary conservation areas, by the lot size requirement for zoning classification of the property contained in the Zoning Regulations.

- 3) *Lot design and dimensional requirements for subdivisions.* Lots shall be clustered in one or more contiguous areas. Furthermore, provided the arrangement, design and shape of lots is such that lots provide satisfactory and desirable sites for building and contribute to the overall preservation of open space and all other requirements in this section and applicable local, state and federal requirements are met, the minimum lot area, lot width and yard requirements for the applicable zoning classification may be reduced as stated herein.
 - a) The minimum lot area shall not be less than 75 percent of the lot area required in the underlying zoning, or 10,000 square feet, whichever is greater.
 - b) The minimum lot width requirement at the building site may be reduced by 50 percent, but shall not be less than 45 feet.
 - c) The minimum front yard requirement may be reduced by 60 percent, but shall be no less than twelve (12) feet.
 - d) The minimum rear yard requirement may be reduced by 40 percent, but shall be no less than ten (10) feet.
 - e) The minimum side yard requirement may be reduced to five (5) feet or in the case of Townhouses - zero feet (0') - where the current fire resistance-rated construction requirements of N.C. State Building Code have been met.
 - f) When buildings are separated, they shall be separated a minimum of fifteen feet.
 - g) Yards abutting the perimeter boundaries of a conservation subdivision shall be no less than the minimum requirements contained in the Zoning Regulations

501.3. ***Required open space.*** Land within the subdivision site that is not contained in lots or in rights-of-way or parcels devoted to accommodating necessary streets and utilities shall be in one or more connected parcels dedicated or reserved as permanent open space as specified herein. Lands identified as primary conservation areas pursuant to below, shall be deemed permanent open space in accordance with this ordinance. In addition to primary conservation areas, 25

percent of the remaining land area of the subdivision shall be included in permanent open space. Secondary conservation areas shall be included in open space to the extent they do not exceed 25 percent of the remaining land area. In the event secondary conservation areas do not equal or exceed 25 percent of the remaining land area of the subdivision, additional open space shall be designated so that at least 25 percent of the remaining land area of the subdivision is made permanent open space.

501.4. **Open space use, location and design.** Design requirements for open space use, location and design are contained in this section.

- 1) *Primary conservation areas.* The following areas are considered primary conservation areas and shall be designated as open space on the plat of any major subdivision:
 - a) Natural watercourses and any adjoining areas required to be maintained in a natural vegetated and unaltered state by this or any other Ordinance for the Town of Montreat, or pursuant to regulations of NCDENR – Division of Water Quality.
 - b) Any identified sensitive natural area as defined herein,
 - c) Any areas within the Ridge Protection Overlay (RPO) District for the Town of Montreat.
 - d) Any areas previously platted and designated Montreat Greenspaces or Conservation Easement as defined in the Open Space Conservation Plan for the Town of Montreat, within the corporate limits of the Town, or unincorporated areas of Buncombe County within the extraterritorial jurisdiction for Montreat.
- 2) *Secondary conservation areas.* The following areas are considered secondary conservation areas and should be considered for designation as open space on the plat of any conservation design subdivision:
 - a) Any environmentally sensitive areas where land clearing, land disturbance and/or development might threaten water quality or ecosystems (e.g., stream buffers, groundwater recharge areas, unique wildlife habitat).
 - b) Any identified important historic resources (e.g., homesteads, archeological sites) identified from a local archeological or architectural survey or an individual site survey.
 - c) Productive agricultural or forest land intended for continued use as such.
 - d) Areas with steep slopes equal to - or exceeding - fifty percent (50%).

- 3) Open space which is not situated within a primary conservation area may be used to provide active and/or passive outdoor recreation opportunities (e.g. bikeways, walking trails, nature trails, and picnic areas), either for the general public or for the subdivision's residents or employees and their guests. No more than ten percent of such additional open space shall be covered with impervious surfaces.
- 4) Open space situated within a primary conservation area may be used for limited passive recreational activities, such as nature trails, so long as such activities do not impair the functionality of the area.
- 5) The use of unpaved walking paths is encouraged wherever practical to promote pedestrian travel and minimize the installation of impervious surfaces. Sidewalks may be provided by the developer, if approved by the Code Administrator and Public Works Director, as leading to a pedestrian destination point, such as a school, park, etc., and may constitute part of the open space requirements.
- 6) The location, size, character, and shape of required open space shall be appropriate to its intended use (e.g., open space proposed to be used for recreation, particularly active recreation, shall be located and designed so as to be conveniently and safely reached and used by those persons it is intended to serve, and should be located on land that is relatively flat and dry).
- 7) *Phasing.* When a conservation design subdivision is developed in phases, it shall be designed and developed in such a manner that total open space is never less than 25 percent of the total land area in any such phase and all previously approved phases.

501.5. ***Open space dedication or reservation.*** Open space shall be dedicated or reserved in accordance with the standards contained herein.

- 1) Subdivision occupants shall be ensured direct access to and use of the subdivision's open space by conveying such open space to the Town. The Town will accept responsibility for managing the open space for its intended purpose and that will ensure subdivision occupants direct access to and use of the open space.
- 2) Each dedicated or reserved open space parcel shall be shown on all subdivision plans and on a record plat recorded with the county register of deeds, with a notation of its area and its intended open space use, as identified herein.
- 3) The land clearing, land disturbance and/or development area for any lot in a conservation design subdivision shall be delineated on subdivision plats. Those areas described in 501.4 above, shall not be included in the area of any

lot intended for development and shall be set aside for the common use and enjoyment of occupants of the subdivision, or in the case of publicly-dedicated open space, for the general public. These areas shall be designated for permanent protection on the subdivision plat and recorded deeds, with appropriate recorded deed restrictions for the use and protection of these areas stipulated.

501.6. **Open space maintenance.** The Town of Montreat shall be responsible for maintaining the open space so that it continues to effectively function for its intended use, and any dedication or conveyance of an open space parcel shall provide for such responsibility. Where the subdivision is located within a watershed protection district, retention of undeveloped open space in a vegetated or natural state shall be ensured by maintenance provisions filed with the county register of deeds, either as part of recorded documentation or in a maintenance agreement recorded with the property deeds.

501.7. **Design procedure.** The following conservation design procedures shall be used in evaluating conservation design subdivision applications.

- 1) *Existing features/site analysis.* An existing features/site analysis map shall be submitted to the Code Administrator. The map shall indicate all features that exist on the subject site as described in this section.
- 2) *Identification of open space conservation areas.* Open space areas shall be identified. Guidance as to which parts to classify as open space areas shall be based upon three factors:
 - a) On-site visits by the Code Administrator, the subdivider and the site designer.
 - b) The open space standards contained in this section.
 - c) The evaluation criteria as shown in 501.8 below.
- 3) *Principal structure setback from open spaces.* Any principal structures must be set back a minimum of 30 feet from all open space lot lines. Provided, however, the Code Administrator may reduce this setback requirement when, due to soil types, topography or other site considerations, strict compliance would result in practical difficulty or unnecessary hardship and when adequate assurances have been given for the protection of the open space.
- 4) *Street, trail and sidewalk locations and alignments.* All streets, sidewalks, paths and trails shall be located and aligned on the site in the most reasonable, economical, and environmentally protective manner. Trails shall be provided from housing clusters to the designated open space.

501.8. *Evaluation criteria.* For any given site, resources may vary widely by importance. Likewise, for each type of resource, there should be examples of greater or lesser significance. In evaluating the layout of a site, the following evaluation criteria will be considered in determining the site's features and allowing for site design flexibility.

- 1) The open space shall be reasonably contiguous and shall abut existing open space on adjacent sites.
- 2) Wetlands, flood hazard areas and natural watercourses with associated stream buffers shall not be cleared, filled or graded except as authorized by state, federal and other applicable regulations and as may be approved by the Code Administrator. Water features shall constitute no more than 50 percent of the open space area.
- 3) Site topography, hydrology, soil type, and other related factors shall inform the design, location and installation of stormwater Best Management Practices (BMP's) and other Low Impact Development (LID) features.
- 4) Dwellings shall be located in unwooded parts of the site, whenever practicable, to prevent unnecessary clearing practices. Exceptions may be made when a site investigation reveals all or parts of wooded areas are not worth saving due to tree decay/disease or unsightly overgrowth.
- 5) The impacts on larger woodlands over two acres shall be minimized as much as practical.
- 6) Where preserving scenic views is the goal of a site design, such scenic views shall remain unblocked and uninterrupted. In wooded areas, where enclosure (i.e., a tree canopy) is a feature to be maintained, a no-cut and no-build buffer strip shall be considered along the public roadway.
- 7) Where historic or archeological preservation is the goal of a site design, new streets, driveways, fences and/or utilities shall not interfere with the historic site. Building designs of the new homes shall reflect the qualities and designs of the historic buildings, as much as is practical.
- 8) Where power line rights-of-way are proposed to be included as part of the open space, the right-of-way shall not exceed 50 percent of the required permanent open space.

502 Streets. The Preliminary Plan (see Article VI, Section 603) must be accompanied by evidence satisfactory to the Planning and Zoning Commission as to the method of street access, as prescribed herein, to all lots to be platted. Such evidence shall provide detailed information as to proposed elevations, cut and fill, drainage, traffic circulation and other construction details required by this Ordinance. The installation of all streets shall be in accordance with the minimum requirements detailed in CHAPTER D –

STREETS AND PUBLIC WALKWAYS, Article 4: Street Standards. Further, the subdivider shall meet all requirements of North Carolina General Statutes Section 136-102.6.

502.1 Conformity to Surrounding Development. The proposed street layout within a subdivision shall be coordinated with the existing street system of the surrounding area.

502.2 Pedestrian Ways. Streets shall be designed or public walkways provided to assure safe and reasonable access to parks, playgrounds, schools, and other places of public assembly. Crosswalks may be required by the Planning and Zoning Commission.

502.3 Blocks. The length, width, and shape of blocks shall be reasonably designed to provide for the following: adequate building sites for the proposed use, vehicular and pedestrian circulation, and control and safety of traffic.

502.4 Names of Subdivisions and Streets. The name of a subdivision shall neither duplicate nor closely approximate the name of an existing subdivision within the town's jurisdiction. Proposed streets which are obviously in alignment with existing streets shall be given the same name as the existing street. The assignment of new names is subject to the Planning and Zoning Commission approval, and duplication of existing names, phonetically or otherwise, shall be avoided. Street markers of a design approved by the Street Department shall be installed at each intersection in uniform locations.

503 Water and Sewer Systems. The Preliminary Plan (see Section 603) shall be accompanied by evidence satisfactory to Planning and Zoning Commission of the proposed method and system of water supply and sanitary sewage collection and disposal for all lots. The installation of all said systems shall be required prior to Final Plat approval unless otherwise permitted pursuant to Article VI. All lots within any proposed subdivision located within the corporate limits of the Town of Montreat shall be provided with direct access to the water and sewer systems serving the Town of Montreat.

503.1 Public Systems. Where the proposed systems are to be connected to the water and sewer system serving the Town, the Preliminary Plan shall be accompanied by a complete set of construction plans for the proposed systems. Said plans shall have been approved by the water and sewer utility providers and the Planning and Zoning Commission. The minor distributors of water supplying the subdivisions shall consist of mains at least six inches (6") in size arranged so that they form a good gridiron - intervals not exceeding six hundred feet (600'), and looped with no dead ends - in all areas of the water distribution system. In the sewer system, manholes shall be placed no further than six hundred feet (600') apart - preferably four hundred feet (400'). The main collector lines must meet the Metropolitan Sewerage District or Buncombe County Health Services Regulations.

503.2 Fire Hydrants. Hydrants shall conform to American Water Works Association Standard for Dry Barrel Fire Hydrants (AWWAC502). Hydrants shall have at least three (3) outlets; one outlet shall be a pumper outlet and other outlets shall be at least two and one-half inch (2 ½”) nominal size. Street connection shall be not less than six inches (6”) in diameter. Hose threads on outlets preferably should conform to National Standard dimensions. A valve shall be provided on connections between hydrants and street mains. Hydrants that operate in a direction opposite to that of the majority shall be considered unsatisfactory. Flush hydrants are considered undesirable because of delay in getting into operation, which is more serious because of the possibility of heavy snow. At no place on the main or artery lines will there be a distance of more than one thousand feet (1,000’) between hydrants.

504 Storm Water Drainage. The Preliminary Plan (see Section 603) shall be prepared by a Licensed Landscape Architect or Registered Land Surveyor and be accompanied by evidence satisfactory to the Planning and Zoning Commission as to the proposed method of providing for storm water drainage. It shall be the responsibility of the subdivider to provide a drainage system which meets the following objectives:

- 1) Provides for adequate drainage from all roads, parking lots, and other developed areas;
- 2) Provides a suitable building area on each lot intended for building development which is safe from inundation, erosion, or subsidence;
- 3) Prevents both the unnecessary impoundment of natural drainage ways and the creation of areas of standing water;
- 4) Insures that existing drainage ways serving adjacent properties are maintained; or if necessary, re-routed but still function;
- 5) Prevents inundation of surface water into sanitary sewer systems;
- 6) Protects existing roads, driveways, utilities and other types of development from damages caused by improper drainage control; and
- 7) Compliance with current Stormwater Management regulations for the Town of Montreat.

The design of said system shall be subject to approval of the Town of Montreat Street Department and the installation of said system shall be required prior to Final Plat approval pursuant to Article VI of this Ordinance. Easements for all drainage ways shall be provided as required by Article V, Section 508 of this Ordinance. The Planning and Zoning Commission shall have the authority to require underground drainage, and other improvements it finds necessary to meet the above objectives.

505 Sedimentation Control. In order to prevent soil erosion and sedimentation pollution

of streams, springs, flat water bodies, and other drainage networks, the subdivider shall show proof of an erosion and sediment control plan in conformity with the Rules and Regulations for Erosion and Sediment Control as adopted by the North Carolina Sedimentation Control Commission, April, 1974, and as amended, or with the Ordinance for Control of Erosion and Sedimentation for the Town of Montreat, whichever is the higher standard.

506 Surveying and Placement of Monuments. "The Manual of Practice for Land Surveying", as adopted by the N.C. Board of Registration for Professional Engineers and Land Surveyors, under provisions of Chapter 89 of the North Carolina Statutes, shall apply when conducting surveys.

507 Preservation of Natural Environment. Land to be subdivided shall be laid out and improved in reasonable conformity with the existing topography in order to minimize clearing and grading, cut and fill, and to retain, insofar as possible, the natural contours, reduce storm water runoff, and conserve the natural cover and soil. No topsoil shall be removed from any lots shown on any subdivision plan except for the purpose of improving such lots for development (the footprint of proposed structures and driveways) and for the laying out of streets shown therein. Developers are encouraged to retain a significant number of specimen trees* and native species to preserve the natural quality of the existing environment.

* A specimen tree is a particularly impressive or unusual example of a species due to its size, shade, age, or any other trait that epitomizes the character of the species.

508 Lots. The lot size, width, depth, shape, orientation, and building setback lines shall be reasonable for the location of the subdivision and for the type of development and use contemplated shall be sufficient to accommodate proposed utilities, and shall comply with the requirements of the Zoning Ordinance of the Town of Montreat.

509 Easements. Easements shall be provided and offered for the dedication to the Town as follows:

509.1 Utility Easements. Easements for utilities shall be provided, preferably centered on rear or side lot lines, and shall be a total of at least ten feet (10') in width.

509.2 Drainage Easements. An easement shall be reserved by the subdivider or otherwise provided conforming to the lines of any drainage-way into which natural drainage has been diverted. Said drainage-way shall be of sufficient width to carry storm water runoff from a 25 year storm.