

8.1. SUBDIVISION REGULATIONS

8.1.1. GENERAL APPLICABILITY

- A. **Purpose and Intent.** In compliance with G.S. 160D, Article 8 of the General Statutes “Subdivision Regulation,” the purpose of this Section is to promote functional, safe and aesthetically pleasing subdivision and development of property. This section shall address subdivision types, the approval process for subdivisions and plats, and required standards for subdivision design. This Section shall:
1. Provide for the orderly growth and development of the City;
 2. Ensure required infrastructure is adequate to serve areas with new development;
 3. Facilitate the further re-subdivision of larger tracts into smaller parcels of lands and individual lots, where appropriate;
 4. Ensure adequate services are available to any new development;
 5. Ensure recreational opportunities are available to any new development;
 6. Provide for the conservation, protection and preservation of natural resources and historical areas
 7. Ensure necessary easements are created and provisions are made to allow for maintenance of infrastructure; and
 8. Ensure that offers of dedication of infrastructure are properly made and accepted.
- B. **Applicability.** For the purpose of this Section, and consistent with N.C.G.S. § 160D-802, "subdivision regulations" shall be applicable to all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions, in any zoning district, when any one or more of those divisions is created 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.
1. **Exemptions.** The following shall not be included within this definition nor be subject to the regulations authorized by this section:
 - a. 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 UDO.
 - b. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.

- c. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
 - d. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Article.
 - e. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.
- C. **Plat Recordation.** A plat for recordation for the division of a tract or parcel of land in single ownership is required only if all of the following criteria are met:
1. The tract or parcel to be divided is not exempted by this Section;
 2. No part of the tract or parcel to be divided has been divided within ten (10) years of the proposed division;
 3. The entire area of the tract or parcel to be divided is greater than five (5) acres;
 4. After subdivision of land, no more than three (3) lots result from the division;
 5. After land division, all subsequent lots comply with all the following:
 - a. All lot dimension size requirements of the applicable land-use regulations, if any;
 - b. The use of the lots is in conformity with the applicable regulations of this UDO, if any; and
 - c. A permanent means of ingress and egress is recorded for each lot.
- D. **Subdivision Approval.** Subdivisions shall not receive final plat approval unless:
1. Design and layout of any proposed subdivision meets the requirement of this Section and the UDO.
 2. The proposed subdivision meets the *Development Review and Procedure Checklist for Subdivisions* as specific in the *Standard Specifications and Detail Manual*.
 3. An attorney certifies that proper legal provisions have been made regarding:
 - a. Establishment of a homeowner or property owner association in conformance with Section 8.1.7.Q: Owner Associations;
 - b. Declaration of covenants and restrictions for common areas and open space; and

- c. Provisions for perpetual ownership and maintenance of commonly owned utilities, improvements, streets and lands.
- E. **Standards** All development shall comply with the City's *Standard Specifications and Detail Manual*, this UDO, the City's approved Land Use and Transportation Plan, Forward Monroe, and other approved City documents.
- F. **Fees.** In compliance with N.C.G.S. § 160D-805, the City shall provide notice to interest parties of the imposition of or increase in fees or charges applicable solely to the construction of development subject to this Article at least seven (7) days prior to the first meeting where the imposition of or increase in the fees or charges is on the agenda for consideration.
- G. **Effect.** In compliance with N.C.G.S. § 160D-806, the approval of a plat shall not be deemed to constitute or effect the acceptance by the City or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.
- H. **Appeals.** Appeals of subdivision decisions may be made to superior court pursuant to N.C.G.S. § 160D-1403(b). See also Section 3.4.11.
- I. **Phasing.** Lots may be recorded and public improvements may be constructed in phases.
 - 1. Phasing shall require the submittal of a phasing plan to ensure conformance with an approved subdivision plan.
 - 2. Phasing plans shall indicate the timing of construction of public improvements so that lots in each phase is proportional to the required improvements necessary to serve that phase.
 - 3. Rights-of-ways and easements shall be established in each phase to ensure that all have public street access and access to required public utilities.
 - 4. Density, setback, buffers, open space, and parking requirements shall be met for each phase.
 - 5. Phasing plans may be modified with the approval of the Director.

8.1.2. SUBDIVISION TYPES

- A. **Subdivision Types.** Subdivisions shall be designated as either Major or Minor, as defined in 8.1.2.A and 8.1.2.B below.
- B. **Subdivision, Major.** Any subdivision other than a minor subdivision, involving any of the following:
 - 1. The creation of more than a total of four lots;

2. The creation of any new public streets;
 3. The extension of a public water or sewer system; or
 4. The installation of drainage improvements through one or more lots to serve one or more lots.
- C. **Subdivision, Minor.** Any subdivision that does not qualify as a major subdivision.
- D. **Conservation Subdivision.** Subdivisions may also qualify to be designed as conservation subdivisions. Conservation subdivisions shall comply with the standards of this Section and Section 8.1.9: Conservation Subdivision.

8.1.3. REQUIRED ENDORSEMENTS, CERTIFICATIONS, NOTES

- A. All subdivision final plats shall contain endorsements as required by G.S. 47-30 and the below, where applicable:
1. Certificate of Director Approval
 2. Certificate of Ownership and Dedication.
 3. Notary Certificate of Surveyor Statement.
 4. Certificate of Survey and Accuracy.
 5. NCDOT Construction Standards Certification.
 6. On-site Water and/or Sewer Note
 7. Special Flood Hazard Area Note.
 8. Statement required for all plats:

All zoning information on this plat is shown for illustrative purposes only.
Dimensional requirements for all lots in this subdivision should be obtained from the City of Monroe Planning and Development Director.

8.1.4. DEDICATION

- A. Approval of a plat does not constitute acceptance by the City of the offer of dedication of any streets, sidewalks, parks, or other public facilities shown on a plat. However, the City may accept any such offer of dedication by resolution of the Council or by actually exercising control over and maintaining such facilities.

8.1.5. PERFORMANCE GUARANTEES AND BONDS

- A. **Generally.** In-lieu of the completion, installation and dedicated of required public improvements and facilities, and private site improvements prior to approval of a final plat of issuance of a certificate of occupancy, a developer may submit:
1. An itemized estimate of costs for required improvements, signed and dated, for which the developer is responsible. A date of which the improvements are to be completed is also required; and
 2. A financial guarantee for the installation of the required improvements in accordance with this Section.
- B. **Eligible Facilities for Performance Guarantees.** The following facilities may be eligible for performance guarantees:
1. Sidewalks (see Section 8.1.7.K: Sidewalks)
 2. Required landscaping
 3. Private stormwater facilities (see Section 8.1.7.L: Stormwater)
 4. Street Improvements (see Section 8.1.7.G: Streets)
 5. Potable Water Facilities (see Section 8.1.7.M: Potable Water)
 6. Sanitary Sewer Facilities (see Section 8.1.7.N: Sanitary Sewer)
- C. **Ineligible Facilities for Performance Guarantees.** The following facilities are not eligible for performances guarantees:
1. Required public stormwater facilities
 2. Street signs, signals and street lights
- D. **Performance Guarantee Applicability.** In compliance with N.C.G.S. § 160D-804, this section requires performance guarantees to assure successful completion of required improvements at the time the plat is recorded. Performance guarantee shall be required:
1. To ensure that public infrastructure improvements required as part of a preliminary plat, site plan or developer agreement, but not approved as complete before approval of a final plat or certificate of occupancy, are completed; and
 2. To ensure that private site improvements that are required as part of a preliminary plat, site plan or developer agreement (such as landscaping or stormwater), but not installed before approval of a certificate of occupancy, are completed.

- E. **Performance Guarantee Standards.** The guarantee shall comply with the following:
1. The term of the performance guarantee shall be required to reflect the time limit for completion of installing requirement improvements that are required in a preliminary or final plat, site plan or developer agreement. The term shall not exceed 18 months. If an extension of the term is requested, the applicant shall provide an explanation to the Director, certified by an engineer, as to why an extension is required.
 2. An accepted performance guarantee shall be in the form of one of the following items:
 - a. **Bond.** A surety bond issued by any company authorized to do business in North Carolina. The bond shall be made payable to the City.
 - b. **Cash, Cashier Check, or Letter of Credit.** The applicant shall deposit cash, a cashier check, or letter of credit, either with the City of Monroe or with a North Carolina financial institution licensed to do business within the state. If a financial institution is used, the financial institution shall enter into an agreement with the City guaranteeing that the escrow account established for the guarantee shall be held in trust until released by the City and may not be used by the applicant.
 3. The performance guarantee shall be required to distinguish the portion of the guarantee for public improvements and portion of the guarantee for private improvements.
 4. Estimated costs of completing the required public and private improvements shall be itemized by the developer's licensed professional engineer.
 5. The performance guarantee shall not exceed one-hundred-and-ten percent (110%) of the reasonably estimated cost of completion at the time the performance guarantee is issued.
 6. Whenever all public facilities or improvements intended for dedication are not installed before occupancy, use, or sale is authorized, then the developer shall post a performance bond (or other sufficient surety) to guarantee that the developer will correct all defects in such facilities that occur within one year after the offer of dedication of such facilities or improvements is accepted.
- F. **Release or Reduction of Performance Guarantees.** The Director shall release or reduce a performance guarantee only when:

1. The developer has submitted a written request for release or reduction to the City. The written request shall include certification by the developer's engineer that the installation of the guaranteed improvements has been completed in compliance with approved plans;
 2. City staff has performed their inspections of the improvements and issued a certification that the improvements have been completed in compliance with approved plans; and
 3. No release or reduction in performance guarantee amounts will be considered until greater than 25 percent (25%) of the required work has been approved.
- G. **Certification.** An architect or engineer retained by the developer shall certify to the City that all facilities and improvements to be dedicated to the City have been constructed in accordance with the requirements of this Section. This certification shall be a condition precedent to acceptance by the City of the offer of dedication of such facilities or improvements.

8.1.6. ENFORCEMENT

- A. **Violation and Penalty.** It shall be unlawful to design, construct or subdivide land not in compliance with this UDO. Any subdivider of land in violation of this UDO shall be guilty of a Class 1 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.
- B. **Injunction.** The City of Monroe 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 the subdivision ordinance.
- C. **Building Permits.** Building permits required pursuant to N.C.G.S. § 160D-1108 may be denied for lots that have been illegally subdivided. In addition to other remedies, the City may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

8.1.7. SUBDIVISION STANDARDS

- A. **Subdivision Name.** Each subdivision in the City shall have a unique name. The name of a subdivision shall not duplicate nor closely approximate the name of an existing subdivision within the City or County.
- B. **Locational Standards.** No subdivision for residential use shall be permitted in Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJ), of the City, unless explicitly permitted in Section 6.1: Floodplain and Floodway Districts. Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) for Union County, dated October 16, 2008 (or most up to date recognized study between the State of North Carolina and FEMA) and its accompanying Flood Insurance Rate Map Panels.
- C. **Subdivision Monuments.** Monuments shall be provided as part of any subdivision. Monuments shall be configured in accordance with *The Standards of Practice for Land Surveying in North Carolina* and comply with the following additional standards:
1. To properly survey throughout the subdivision, subdivision markers are required on all lot corners, points of curvature, points of tangency and at any points with a change in bearings.
 2. The location and type of all markers shall be indicated on the final plat, as required in Section 3.4.14: Minor Subdivision Final Plat and Section 3.4.16: Major Subdivision Final Plat.
- D. **Block Design.** Excessive block lengths shall be discouraged in the design of new subdivisions. The purpose of this Section is to discourage excessive block lengths lined with homes and/or other buildings. For new developments, excessive block lengths diminish the efficiency of public and safety services and increase distances between residential and non-residential uses. The maximum length of any block within a subdivision shall not exceed the values shown in Table 8.1.7.B below. If there is no maximum block length, NA (Not Applicable) shall be listed. Block lengths in excess of these requirements may be permitted if extenuating circumstances such as topographic issues, environmental concerns, or utility design makes it impractical to observe the maximum block length.
1. **Mid-Block.** Mid-block pedestrian roadway crossings shall be provided where block lengths over the maximum block length permitted is unavoidable or

impractical. Crossings shall be clearly marked, paved, well lit, and possess direct sightlines to enhance pedestrian safety.

2. **Block Plans.** An applicant may propose an alternative block length and layout as part of a block plan to be included with a master development plan or planned development. Block plans should include a high-level description and illustration of a proposed block layout, roadway system and intersections, pedestrian and vehicle connection points, and general land uses within the development.

Table 8.1.7.B. Block Design

Zoning District	Maximum Block Length
RR	NA
RLD	NA
RMD, RHD, OM, NB, GB	1,200 feet
GI, HI	NA
PCD, PUD	1,000 feet
DC-MX, DG-MX, CC-MX1, CC-MX2, RC-MX, MD-MX	750 feet
<p><u>Note:</u> Maximum block lengths may be modified per approval from the TRC so long as the proposed maximum block length does not inhibit the public safety and welfare and efficiency of safety services. Reasons to modify maximum block lengths may be due to topographic conditions, environmental conditions, utilities installations, and the like. An applicant must provide a written narrative and an engineered study that modified maximum block length is appropriate for the proposed uses and will meet the intent of this Section.</p>	

E. **Minimum Lot Standards.** Lots shall meet or exceed zoning district standards defined in the respective *District Development Standards Tables* of Section 4: Traditional Zoning Districts, and Section 5: Mixed-Use Zoning Districts. All lots created after the adoption of this UDO shall have sufficient area, dimensions, and access to allow construction in conformance with the requirements of this UDO. Lots may be of smaller sizes if configured in an approved conservation subdivision, as permitted in Section 8.1.9: Conservation Subdivisions. Lots shall comply with the following standards:

1. **Appropriate to Uses.** Lots shall be appropriately designed and laid out appropriate to desired uses as allowed in the respective district.
2. **Adequate Building Area.** Adequate building area shall be provided, as well as room for required setbacks and other requirements (i.e. landscaping, buffers, stormwater, etc.) set forth in this UDO.

3. **Through Lots.** Through lots (lots which have double frontage) shall be prohibited except when required to overcome challenges of topography, orientation, or unique traffic considerations or configurations. Alleyways shall not be included in determining a through lot.
 4. **Flag Lots.** Flag lots may be permitted, but no more than two flag lots may be created from a parent parcel after the adoption date of this UDO. The pole portion of a flag lot shall be a minimum 30 foot width and allow for two way traffic.
 5. **Access.** Every lot created as part of a subdivision of land as provided for in this Section shall have direct access to a public or approved privately maintained street, unless they comply with the standards below:
 - a. **Residential, Detached Single Family.** If a lot does not have access to a public street, an access easement may be utilized. An access easement shall not serve more than two (2) residential lots. Access easements shall be legally disclosed.
 - b. **Non-Residential, Attached Single Family/Multifamily and Private Streets.**
 - i. Lots within nonresidential subdivisions may abut a private access or rights-of-way, provided that an easement provides access to an improved and publicly maintained street and is recorded with an application for development approval.
 - ii. Lots within attached single family and/or multifamily developments may be separated by common areas, alleys or approved private streets, provided that an easement provides access to an improved and publicly maintained street and is recorded with an application for development approval.
 6. **Internal Public Street.** Major subdivisions, as defined in this Section, may require lots to be served by a newly constructed internal public street, at the cost of the applicant and developer, to meet the standards of this UDO.
- F. **Required Buffers.** A standard, required buffer yard, Perimeter Buffer Type 1, as defined in Section 8.3.5 of this UDO, shall be required along the perimeter for any residential major subdivision when abutting a non-residential use and/or a thoroughfare. Required

perimeter buffer yards shall be platted as common areas and may be included in open space requirements in this UDO.

G. Street Improvement Standards.

1. **Street Classification System.** New streets or proposed redevelopment of existing streets not identified in the *Forward Monroe: Land Use and Transportation Plan* shall be classified for the purpose of determining the appropriate design of a street. Street Types shall be consistent with the *Standard Specification and Detail Manual* and meet requirements set forth in Details 02.01.01-02.01.07. Streets are classified in Table 8.1.7.

Table 8.1.7. Street Classification System

Street Classification	Definition
Freeway or Expressway	74 Bypass
Arterial Street	A federal and/or state highway designed primarily for the movement of large volumes of vehicular traffic
Collector Street	A public way designed primarily to connect residential streets with arterial streets
Minor Street	A public street used primarily for providing direct access to abutting properties, further defined below:
Minor Street – Residential	Primary function is to provide direct access to residential property
Minor Street-Commercial/Industrial	Primary function is to provide direct access to commercial/industrial property
Minor Street - Cul-de-Sac	Short minor street having on end open to traffic and the other end permanently terminated with a vehicular turnaround, maximum length of 1200 feet
Street, Half	A proposed street intended to be developed by constructing one-half of a required multi-lane width with the remainder to be provided at a future date
Street, Private	A vehicular travel way not dedicated as a public street

2. **Determination of Street Type.** The final determination of the classification of streets in a proposed subdivision shall be made by the Engineering Department.
3. **Conformity to Adopted Plans.** Streets shall be arranged and designed to conform to the provisions and strategies set forth in the *Forward Monroe: Land*

Use and Transportation Plan, adopted April 10, 2018, the *Standard Specification and Detail Manual*, and the City's adopted *Thoroughfare Plan*.

4. **Street Names.** Proposed streets, which are in alignment with existing or proposed named streets, shall bear the name of the existing or proposed street. The Union County Communications Department shall approve all street names. Applicants may contact the City of Monroe Engineering Department to initiate requests.
5. **Street Sections.** Pavement cross-sections, curbs, maximum grade of new roadways, minimum grades, and other applicable design standards for streets shall be in accordance with the *Standard Specification and Detail Manual*. Any variation from the *Standard Specification and Detail Manual* shall require City Council approval.
6. **Street Lighting.** The developer shall install and be responsible for all costs associated with streetlights and their installation. Street lighting shall comply with all City, utility company and NCDOT standards. Areas adjacent to vehicular entrances for non-residential, mixed-use, and multifamily developments shall be adequately lit to ensure safety for vehicles and pedestrians. Illumination requirements shall be met prior to issuance of any occupancy permit. Street lighting shall be maintained by electric providers.
7. **Private Street Standards.** Private streets may be permitted for residential subdivisions, but shall be constructed to the same standards for streets in the *Standard Specification and Detail Manual*. The inclusion of gates and structures in the right-of-way shall remove private streets from future consideration for conversion to a public right-of-way in accordance with the City of Monroe's Policy on Acceptance of Privately Owned Residential Streets until such items are removed.
8. **Exemptions for Required Street Improvements.** Consistent with 02.02.10 of the *Standard Specification and Detail Manual*, exemptions exist for certain street improvement requirements.
9. **Sight Triangle.** All proposed public and private streets, including driveways shall adhere to the sight triangle standards provided in the *Standard Specification and Detail Manual*.

H. Street Connectivity Requirements.

1. Location and design of streets shall be in conformance with the adopted City *Thoroughfare Plan*. Where conditions warrant, right-of-way width and pavement width in excess of the minimum street standards may be required.
 2. Street access to adjacent properties may be required. In such situations, the subdivider shall build and dedicate the streets to the boundary of their property in accordance with Detail 02.01.11 in the *Standard Specification and Detail Manual*.
 3. The developer may be required to dedicate additional rights-of-way, widen existing roadways, or perform other improvements to existing public streets upon which the property fronts or which provides access to new subdivisions.
 4. Where a tract of land to be subdivided adjoins a thoroughfare, the subdivider may be required to provide a marginal access street parallel to the thoroughfare or provide for through lots on a local street for the lots to be developed adjacent to the thoroughfare. Where through lots are established, such lots may be prevented from having direct access to the thoroughfare by driveways.
- I. **Access and Circulation.** No subdivision shall be designed without meeting the requirements below:
1. **Access.** Ingress and egress shall be provided for every lot or parcel from a street, unless explicitly exempted by this UDO. In instances where access is exempted, a permanent access easement is required for ingress and egress, emergency, service, and maintenance purposes.
 - a. Street stub outs shall be provided to adjoining undeveloped areas to ensure minimal interference of future traffic flow and circulation.
 2. **Nonresidential Driveways and Circulation.** Internal circulation is required for any new nonresidential, multifamily and mixed-use developments. Proper consideration shall be provided to the surrounding street plan, pedestrian movements and safety. Vehicular circulation shall be contained within the property and vehicles located within the development shall be provided access to all other areas without using the adjacent street system. Driveways shall meet the standards set forth in the *Standard Specification and Detail Manual*.
 - a. Joint use of driveways shall be promoted to the greatest extent practicable.

- b. Where a cross-access corridor is designated for internal circulation, the property owner shall grant an easement to allow cross-access to and from properties in the development.
 - c. If internal circulation and cross-access is provided in a non-residential development, a coordinated parking design shall be implemented to the greatest extent practicable to create a unified system.
- J. **Easements.** Easements shall be provided in accordance with the *Standard Specification and Detail Manual* and may be required elsewhere when necessary. Easements shall comply with the following standards:
 1. Subdivisions that adjoin existing streets maintained by the City or NCDOT shall dedicate additional street right-of-way, as necessary, to meet the width of the existing street.
 2. Utility poles, electrical utilities, natural gas, telephone services, and similar utilities shall require a 10 foot easement. All standards of Section 02.02.09 of the *Standard Specification and Detail Manual* shall be met.
 3. Potable water, wastewater, stormwater, and similar utilities shall provide easements in accordance with the *Standard Specification and Detail Manual, Section 11.0 Sanitary Sewer Main Construction*. Easements shall be centered on the required utility pipes.
 3. Drainage easements, when required for drainage of the subdivided area, shall be a width necessary to permit proper construction and maintenance of drainage facilities required to drain the area properly.
 - a. Open channel drainage easements shall be a minimum of 10 feet; however the City Engineer and Director may require widths up to 50 feet.
- K. **Sidewalks.** Sidewalks are required along both sides of all private and public roads and shall comply with the standards below:
 1. **Standards.** Sidewalks shall be installed by the developer adjacent to all public and private streets. Sidewalks shall be constructed and installed prior to the certificate of occupancy for any adjoining building. Sidewalks shall be constructed in accordance with the specifications contained in the *Standard Specification and Detail Manual*.
 2. **Sidewalk Waiver.** No sidewalk waiver may be granted.

3. **Zoning Districts.** Internal sidewalks shall be provided in all developments regardless of zoning district.
4. **Exemptions.** Sidewalks shall not be required in cases where environmental or topographic conditions would make a required sidewalk impossible to construct and maintain. In this situation, an alternative all weather pathway or multiuse trail shall be required.
5. **Configuration.**
 - a. Sidewalks shall be required to connect to existing or planned sidewalks at property boundaries.
 - b. All new developments shall provide, at minimum, one on-site improved connection between the new development and adjacent public sidewalk system.
 - c. Wheelchair ramps shall be required at intersections and major pedestrian flow points in accordance with Section 136-44.14 of the North Carolina General Statutes.
- L. **Stormwater.** All stormwater facilities and stormwater management practices shall be in accordance with Chapter 159, Stormwater Management Ordinance of the City Code and *Section 5.00 Stormwater Best Management Practices within the Standard Specifications and Detail Manual.*
- M. **Potable Water.** All subdivisions shall be served by potable water systems. Potable water systems shall comply with the following standards:
 1. No on-site water supply system shall be permitted where the subdivision is within 1,000 feet of a publicly available potable water system. It shall be required that all subdivisions established after the adoption date of this UDO within 1,000 feet of the City's potable water system connect.
 2. Potable water supply shall be determined based upon system capacities, anticipated demand, and average and peak flows.
 3. The developer shall install all potable water systems in accordance with City, State or federal requirements.
 4. The developer shall provide all necessary installation facilities (i.e. pipes, connection points, etc.) of required potable water lines.
 5. All potable water lines, tanks, mains and similar facilities shall be dedicated to the City for maintenance and operation following installation. However, any

facilities dedicated to lots or uses beyond a water meter shall not be dedicated to the City for maintenance and operation.

N. **Sanitary Sewers (Wastewater).** All subdivisions shall be served by sanitary sewers (wastewater facilities). All wastewater facilities shall comply with the following standards:

1. No on-site wastewater shall be permitted where the subdivision is within 1,000 feet of a publicly available wastewater system. It shall be required that all subdivisions established after the adoption date of this UDO within 1,000 feet of the City's wastewater system connect.
2. Minor subdivisions shall not be required to connect to the City's wastewater system unless it is adjacent to one or more lots that may be serviced by the City's wastewater.
3. The developer shall install all wastewater systems in accordance with City, State or federal requirements.
4. Wastewater facilities shall be dedicated to the City for maintenance and operation following installation.
5. Pump stations which do not serve the community at large and which do not serve an area larger than the subdivision shall not be dedicated to the City. Such facilities shall be maintained by the developer or responsible owner's association.

O. **Underground Utilities.** All utilities for electric, telephone, internet and similar shall be installed underground in all subdivisions established after the adoption of this UDO. Such utilities are required to be extended by the developer to each lot within the subdivision.

P. **Greenways.** Greenways shall comply with the standards established in Section 8.8.3.F: Greenways.

Q. **Owner Associations.** A homeowner (HOA), property owner association (POA), or similar entity shall be required for subdivisions that have common open space or shared infrastructure. Associations shall accept ownership and maintenance of open space, shared infrastructure, and common areas within a subdivision (including street trees). Such owner associations shall comply with the following:

1. Owner associations shall be legally established before any purchase or lease of units in the subdivision.

2. Owner associations shall fulfill the standards of G.S. Chapters 47C and 47F.
3. Owner associations shall be responsible for liability insurance and local taxes, maintenance of all open space, shared infrastructure and common areas, maintenance of public streets until the City accepts responsibility, private infrastructure facilities, maintenance of an escrow account for repair and maintenance of facilities within the subdivision, and payment of any development fees related to improvements made to benefit the subdivision.
4. All owner associations shall provide legal documents establishing the association to the Director and City Attorney for approval prior to the final plat process. The documentation shall state responsibility of the developer to maintain open space, shared infrastructure and common areas until 75% of lots within the subdivision are sold.
5. Required information on legal documents shall also include declaration of covenants, deed restrictions, liability insurance, survey and legal description of all open space and common areas, authorization for assessments (subject to change based upon maintenance needs of the subdivision), and authorization to issue liens on real property.

8.1.8. SUBDIVISION SIGNS, ENTRANCE MARKERS, AND LANDSCAPED AREAS IN RIGHT-OF-WAY

- A. **Applicability.** Subdivision signs, entrance markers and landscaped areas may be permitted within the public rights-of-way subject to the following conditions:
 1. **Maintenance.** The City shall not be responsible for maintenance of such areas and an entity responsible for maintenance shall be created at the cost of the developer.
 2. **Sight.** Such improvements shall not interfere with sight distance or required site triangle.
 3. **Removal.** In the event of loss, damage or lack of maintenance, the City of Monroe may remove all improvements.
 4. **Encroachment.** The applicant shall execute an encroachment agreement to allow placement of a marker or sign in an existing or proposed right-of-way.
 5. **Light Source.** Light source(s) used to illuminate a subdivision sign shall meet the requirements set forth in Section 8.2: Signs and the general lighting

requirements of Section 8.7.7: Lighting, and shall not be a nuisance or hazard to adjoining property or passing traffic.

6. **Sign Design.** Any subdivision entrance sign shall comply with Section 8.2: Signs, of this UDO.

8.1.9. CONSERVATION SUBDIVISION

- A. **Purpose and Intent.** The purpose and intent of this Section is to provide a development option for land in the rural and suburban portions of the City that provides development flexibility to build on smaller lots when open space exceeds the minimums of Section 8.8: Open Space. The conservation subdivision shall be designed in a way that protects natural features on the site and clusters development in a smaller footprint, providing an alternative to large lot subdivision forms. Conservation subdivisions intend to:
 1. Conserve open space, floodplains, wetlands, river and stream corridors, and areas with unique natural features;
 2. Promote rural character;
 3. Protect existing environmental and natural resources;
 4. Promote scenic views from public roadways;
 5. Provide development flexibility to cluster homes in a smaller footprint to enhance open space and natural features; and
 6. Provide reasonable economic use of land which may have unique environmental conditions that would otherwise make development undesirable.
- B. **Applicability.** Conservation subdivisions shall be limited to development of single family detached residential dwellings on individual lots. Conservation subdivisions shall not be available for any other form of development or dwelling type.
 1. **Permitted Zoning Districts.** Single family detached residential subdivisions of more than five (5) lots in the RLD, RMD, and PUD zoning districts may be developed as a conservation subdivision, in accordance with the standards of this Section.
 2. **Prohibited Zoning Districts.** Conservation subdivisions shall not be permitted in any other zoning districts.
- C. **Review Procedure.** Conservation subdivisions shall be reviewed as a preliminary plat in accordance with the procedures and standards in Section 3.4.15: Major Subdivision

Preliminary Plat, only after approval of a conservation and development plan as required in this Section.

1. **Conservation Subdivision Plan.** Prior to review of a preliminary plat application for a conservation subdivision, an applicant shall develop a conservation subdivision plan for the land. The conservation subdivision plan shall be reviewed and approved, or approved with conditions, by the Director, in accordance with the standards of this Section.
2. **Conservation Subdivision Plan Requirements.**
 - a. **Site Map.** The applicant shall prepare a site map that analyzes existing conditions on the land proposed for the development site. The site map shall include: Property boundaries, topographic contours, proposed conservation areas, general plant material characteristics, general soil types, and all floodplains, wetlands, river and stream corridors and similar natural features.
 - b. **Site Inspection.** The Director shall schedule a site inspection of the land with the applicant. The applicant (or designee) shall attend the site inspection with a City staff member to familiarize staff with site conditions and natural features of the site. City staff, with the applicant, shall identify any potential issues for development and discuss development concepts including the configuration of streets, utilities and structures.
 - c. **Final Plan.** The applicant shall prepare a final plan for the conservation subdivision, identifying areas that shall be conserved and areas that shall be developed. The plan shall provide preliminary site improvements, proposed site development including utilities, streets and general areas intended for development. The final plan shall comply with all standards within Section 8.1.9.D: Conservation Subdivision Standards. After review and approval of the conservation subdivision final plan, a preliminary plat may be submitted and reviewed in accordance with Section 3.4.15: Major Subdivision Preliminary Plat.

D. Conservation Subdivision Standards.

1. **Size.** Conservation subdivisions shall be a minimum five (5) acres in size.

2. **Minimum Conservation Area.** The minimum conservation area for a conservation subdivision shall be at least fifty percent (50%) of the total site area. Conservation area may be used to achieve the requirements of Section 8.8: Open Space. Conservation area shall be delineated into two categories: primary conservation areas and secondary conservation areas.
- a. **Primary Conservation Areas.** Primary conservation areas shall include the features identified below, but may also include pervious trails, public utilities, and street or driveway crossings:
- i. Existing mature trees on the perimeter of the site;
 - ii. Special flood hazard areas, riparian buffers, wetlands, lakes, ponds and other bodies of water, wildlife corridors, and greenways;
 - iii. Areas at least 5,000 square feet in size with slopes greater than twenty five percent (25%);
 - iv. Sites designated or eligible for the National Register of Historic Places;
 - v. Areas with impermeable soils; and
 - vi. Habitat inhabited by endangered, threatened or protected species.
- b. **Secondary Conservation Areas.** Secondary conservation areas shall include the features identified below, but may also include all uses in primary conservation areas, required drainage and utility easements, and individual water supply and septic systems:
- i. Agricultural lands, including pastures;
 - ii. Woodland forests, fields and meadows;
 - iii. Areas with natural slope greater than twenty percent (20%), unless identified as a primary conservation area;
 - iv. Buffers;
 - v. Additional open space types dedicated to active recreation purposes; and
 - vi. Stormwater management facilities (up to ten percent (10%) of the required minimum fifty percent (50%) conservation area).

3. **Density.** Conservation subdivisions shall be limited to the maximum density permitted in the zoning district and land use area in which it is located.
 4. **Location.** Conservation subdivisions shall be designed to minimize visibility from adjacent lands and arterial roadways. This shall be achieved through the use of buffers and conservation areas on the outer perimeter of the subdivision.
 5. **Lot Width.** Due to the intent to cluster homes within a conservation subdivision, conservation subdivision lot widths differ from the required standards established in Section 4: Traditional Zoning Districts. Lot width shall be a minimum fifty (50) feet.
 6. **Lot Area.** Due to the intent to cluster homes within a conservation subdivision, conservation subdivision lot area requirements differ from the required standards established in Section 4: Traditional Zoning Districts. Lot area shall be a minimum 7,500 square feet.
 7. **Lot Coverage.** Due to the intent to cluster homes within a conservation subdivision, lot coverage requirements differ from the required standards established in Section 4: Traditional Zoning Districts. Lot coverage shall be a maximum fifty percent (50%).
 8. **Setbacks.** Due to the intent to cluster homes within a conservation subdivision, setback requirements differ from the required standards established in Section 4: Traditional Zoning Districts. Minimum front setback shall be twenty (20) feet, minimum side setback shall be five (5) feet, and minimum rear setback shall be ten (10) feet.
- E. **Ownership and Maintenance of Conservation Areas.**
1. **Homeowner/Property Owner Associations.** Conservation areas shall be owned and maintained by owners of the development through homeowner association or property owner association.
 2. **Nonprofit Organization.** The owners of the development may convey a conservation area to a nonprofit organization for management and maintenance.