

Town of Waynesville Subdivision Plat Information

Development and Subdivisions within the Town of Waynesville must comply with the Town of Waynesville Land Development Standards ("LDS") and Chapter 160A of the State of North Carolina General Statutes. The Town's Land Development Standards may be found on the Town website under the Government Tab with a link to "Ordinances" at: www.waynesvillenc.gov.

Definition and Applicability

LDS Chapter 6.2.1 Site Plan and Subdivision Authority and Applicability, states:

- A. **Subdivision Defined:** For the purposes of this chapter, "subdivision" shall mean all divisions of a tract or parcel of land into two (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 new streets or a change in existing streets.
- B. **Statutory Exemptions:** The following are not included within the definition above nor are they subject to the regulations of this Ordinance, provided however, that any document or plat to be recorded pursuant to any such exclusion shall bear the notation, "Exempt pursuant to the Town of Waynesville Land Development Standards," and the signature of the Administrator before being presented for recordation.
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 land development standards of the town.
 2. The division of land into parcels greater than ten (10) acres in size 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.
 4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the land development standards of the Town of Waynesville.
 5. The conveyance to lineal descendants for the purpose of dividing real estate among said lineal descendants. At such time that any lineal descendants or their successors in interest develop or building upon their respective property, the property must conform in all respects to the regulations of the Town of Waynesville.
- C. **Site Plans Defined:** A site plan is an architectural and/or engineering drawing of proposed improvements for a specific lot that depicts such elements as building footprints, driveways, parking areas, drainage, utilities, lighting, and landscaping.
- D. **Conformity Required:** From and after the adoption of this chapter, no real property lying within the jurisdiction of the Town of Waynesville shall be developed or subdivided except in conformance with all applicable provisions of this Ordinance. In addition, after the effective date of this chapter, no plat for subdivision of land within the jurisdiction of this chapter shall be certified for recording by the Administrator, nor shall the Register of Deeds record any plat until it has been submitted and approved in accordance with the provisions of this section.

Administrative Procedures

LDS Chapter 15.9.1 Minor Subdivisions.

The minor subdivision review process is required for those divisions of land into seven (7) or fewer lots which do not require dedication of public utilities and/or public streets.

- A. **Process Types:** Administrative.
- B. **Pre-Application Procedure:** It is required that every applicant for a Minor subdivision meet with the Administrator in a conference prior to the submittal of an application. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plats for approval. It is recommended that the applicant provide a sketch plan (15.4.2) to the Administrator prior to or at the pre-application conference. The provision of a sketch plan will allow the Administrator an opportunity to review the proposal before the applicant expends funds on the preparation of a detailed Minor subdivision Plan.
- C. **Required Application Information:** Final Plat (15.4.6) by a registered land surveyor.
- D. **Determination of Compliance:** Once an application containing all needed elements is submitted, the Administrator shall review the application and approve or deny it based on compliance with the land development standards contained in this ordinance within thirty (30) working days of its submittal.
- E. **Public Notification:** None required.
- F. **Appeals:** Appeals of the decisions of the Administrator shall be heard by the Board of Adjustment in accordance with Section 15.12. Such an appeal must be made in writing within thirty (30) days of the receipt of the decision by the property owner.
- G. **Permit Validity:** Upon approval of a plat for a minor subdivision said plat shall be signed in the appropriate place by the Administrator and the owner(s). Minor subdivision plats that have been granted approval shall be recorded within thirty (30) days following approval or the approval becomes invalid. A plat for minor subdivision must be recorded in the office of the Register of Deeds of Haywood County. No lots shall be sold prior to approval by the town and the recording of the plat for the subdivision.
- H. **Permit Extension:** None.

LDS Chapter 15.9.2 Major Subdivisions.

The minor subdivision review process is required for those divisions of land into eight (8) or more lots or which require dedication of public utilities and/or public streets.

- A. **Process Types:** Quasi-Judicial (See also 15.4).
- B. **Pre-Application Procedure:** It is required that every applicant for a Major subdivision meet with the Administrator in a conference prior to the submittal of an application. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plats for approval. It is recommended that the applicant provide a sketch plan (15.4.2) to the Administrator prior to or at the pre-application conference. The provision of a sketch plan will allow the Administrator an opportunity to review the proposal before the applicant expends funds on the preparation of a detailed subdivision Plan.
- C. **Required Application Information:** Environmental Survey (15.4.1) and Master Plan (15.4.3).
- D. **Determination of Completeness:** The Administrator shall review the application to ensure that it is complete, prepare a report and recommendation on the application, and schedule the matter for a public hearing before the Community Appearance Commission.

- E. **Public Notification:** Level 1, 2 and 4.
- F. **Neighborhood Meeting (15.3.7):** Optional.
- G. **Public Hearing:** The Planning Board shall hold a hearing on the proposal. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.
- H. **Decisions/Findings of Fact:** Following the public hearing the commission may approve, deny or approve with conditions the application for a Major Subdivision. No Major Subdivision shall be granted unless it complies with the following findings of fact:
 - 1. The plan is consistent with the adopted plans and policies of the Town;
 - 2. The plan complies with all applicable requirements of this ordinance;
 - 3. There exists adequate infrastructure (transportation and utilities) to support the plan as proposed; and
 - 4. The application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.
- I. **Review Period by Planning Board:** The Planning Board shall take action (approve or deny approval) within thirty-two (32) days of the public hearing on the matter. Should the Planning Board fail to act on the preliminary plat within the prescribed period, the applicant may seek preliminary plat approval by the Board of Aldermen at the next regularly scheduled meeting of the aldermen.
- J. **Decisions:** If the Planning Board approves the Major Subdivision, the applicant will be directed to proceed to the preparation of a Preliminary Plat (15.4.4). If the Planning Board disapproves or approves conditionally the plat, the reasons for such action shall be stated in writing and entered in the records of the Planning Board. The applicant may make changes and submit a revised plat which revision shall be submitted, review and acted on in accordance with the procedures set forth in this section.
- K. **Appeals:** An appeal from the decision of the Planning Board regarding a Major Subdivision request may be made by an aggrieved party and shall be made to the Superior Court of Haywood County in the nature of certiorari. Any such petition to the Superior County shall be filed with the court no later than thirty (30) days after the applicant receives the written copy of the decision of the Planning Board.
- L. **Permit Validity:** Approval of a Major Subdivision Plan shall be valid for one (1) year from the date of approval. A Preliminary Plat shall be presented for approval prior to the end of this one (1) year period.
- M. **Permit Extension:** The Administrator may grant a single extension of this time period of up to six (6) months upon submittal by the applicant of sufficient justification for the extension.

Plats

LDS Chapter 15.9.3 Preliminary Plat.

- A. **Process Types:** Administrative.
- B. **Permit Required Before Any Land-Disturbing Activity:** No such land-disturbing activity shall take place until a Preliminary Plat has been approved.
- C. **Pre-Application Procedure:** Prior to applying for a Preliminary Plat or and submitting plans, the applicant is encouraged to meet with the Administrator. The purpose of this meeting is to discuss any specific engineering detail necessary for consideration prior to the preparation of the Preliminary Plat.

- D. **Required Application Information:** Environmental Survey (15.4.1) and Preliminary Plat (15.4.4) prepared by a registered land surveyor, licensed landscape architect or licensed engineer.
- E. **Determination of Conformity:** Following submittal of the application and accompanying data, the information shall be reviewed by the Administrator for compliance with the requirements of this ordinance and with the Manual of Specifications. Provided the application is complete, applications shall be reviewed and acted upon by the staff and notice given the applicant within thirty (30) days of receipt of the application.
- F. **Substantial Changes:** Substantial changes from the approved Major Subdivision Plan shall require an additional review by the Planning Board. Substantial changes shall include, but not be limited to, the redesign of streets, increasing the number of lots, altering the size and/or design of more than twenty (20) percent of the lots, and/or reducing the number of lots by more than twenty (20) percent.
- G. **Public Notification:** None required.
- H. **Appeals:** Appeals of the decisions of the Administrator shall be heard by the Board of Adjustment in accordance with Section 15.12.
- I. **Permit Validity:** Approval of a Preliminary Plat shall be valid for one (1) year from the date of approval. A Final Plat shall be presented for approval prior to the end of this one (1) year period.
- J. **Permit Extension:** The Administrator may grant a single extension of this time period of up to six (6) months upon submittal by the applicant of sufficient justification for the extension.

15.9.4 Final Plat.

- A. **Process Types:** Administrative.
- B. **Improvements to Be Installed or Guaranteed:** All required infrastructure improvements shall be either installed or financially guaranteed in accordance with Section 6.13.
- C. **As-Builts Required:** Upon completion of a project, and before a Final Plat shall be granted (unless financially guaranteed), the applicant shall certify that the completed project is in accordance with the approved plans and designs, and shall submit actual "as built" plans (15.4.6) for all public infrastructure after final construction is completed. No certificate of occupancy shall be granted without completed as-built plans.
- D. **Required Application Information:** Final Plat (15.4.6) by a registered land surveyor.
- E. **Determination of Conformity:** The Final Plat of a major subdivision shall be reviewed by the Administrator for compliance with the requirements of this chapter and for conformity with the approved Preliminary Plat. Provided the application is complete, applications shall be reviewed and acted upon by the staff and notice given the applicant within ten (10) days of receipt of the Final Plat. If the Administrator has not completed review in this time, the applicant may seek final approval from the Board of Aldermen at their next meeting.
- F. **Public Notification:** None required.
- G. **Appeals:** Appeals of the decisions of the Administrator shall be heard by the Board of Adjustment in accordance with Section 15.12.
- H. **Effect of Approval:** The approval of a Final Plat does not constitute acceptance for maintenance or other purposes of improvements in rights-of-way, such as utility lines, street paving, drainage facilities or sidewalks. Such improvements, when located within the corporate limits of the Town of Waynesville, may be accepted only by action of the town following inspection and approval. Land designated as public open

space or a park on a plat shall be considered to be offered for dedication, but not accepted until the Board of Aldermen has by expressed action done so.

- I. **Phasing:** Final plats for phased subdivisions shall be recorded in accordance with the schedule presented by the applicant during the Major Subdivision Plan/Preliminary Plat approval.
- J. **Permit Validity:** Final plats for major subdivisions that have been granted approval must be recorded within thirty (30) days following approval or the approval becomes invalid. No lots shall be sold prior to approval by the town and recording of the Final Plat for the subdivision.
- K. **Permit Extension:** The Administrator may grant a single extension of this time period of up to six (6) months upon submittal by the applicant of sufficient justification for the extension.

Signature Blocks

<u>TOWN OF WAYNESVILLE CERTIFICATE OF APPROVAL</u>	
I hereby certify that this plat has been approved for recording in the Haywood County Register of Deeds	
_____	_____
Planning Director	Date

OR

Exempt pursuant to the Town of Waynesville Land Development Standards in accordance with North Carolina Statutes:	
_____	_____
Planning Director	Date

AND

STATE OF NORTH CAROLINA COUNTY OF HAYWOOD	
I, _____ Review Officer of Haywood County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.	
_____	_____
Review Officer	Date

Plat Approval Forms (attached) are filed with the Town and may be used to document Town approval where no plat is used, such as for a land conveyed or recombined by deed.