

SUBDIVISION CONTROL of Madison County

1. Title

This chapter shall be known and may be cited as the "Subdivision Control Ordinance for Madison County, North Carolina," and may be referred to as the "Subdivision Ordinance" or "Subdivision Regulations"

2. Authority

The enactment of this chapter is authorized pursuant to Chapter 153A, Article 18, Part 2 of the General Statutes of North Carolina.

3. Jurisdiction

This chapter shall apply to every subdivision or development in the county which is located outside the planning jurisdiction of a municipality, as established pursuant to G.S. 160A-360. The power to review plans shall be treated as if it were a power authorized by G.S. 160A-360 et seq. Municipalities within the county may elect to allow this chapter to be effective within their corporate limits or their extraterritorial jurisdictions.

4. Purpose

The purpose of this ordinance shall be to promote, through proper planning, the health, safety and general welfare of the citizens of Madison County by providing for the orderly subdivision of land in the County. More specifically, this chapter is deemed necessary to: establish procedures and standards for the subdivision of land; provide for orderly growth and development; promote environmental quality; protect and enhance property ownership and land values; provide for dedication or reservation of road rights-of-way; assure the proper design and installation of roads and utilities; to help assure proper legal description, identification and recordation of property boundaries; and to ensure the creation, maintenance, and preservation of adequate land records. The Madison County Planning Board is herein charged with review and approval authority for major and minor subdivision plats in accordance with the standards set forth in this ordinance to ensure; that in areas with established development, new subdivisions shall protect and enhance the stability, environment, health, and character of neighboring areas; the distribution of population and traffic in a manner that will avoid congestion and overcrowding; and the creation of conditions that substantially promote public health, safety and the general welfare of Madison County.

5. Compliance

All applicants for subdivisions are responsible for complying with the specific standards and requirements stated in this chapter and its appendices. All proposed subdivisions of land, including all those defined in § 7.1, shall also comply, where applicable, with all requirements of the Land Use Ordinance of Madison County including the provisions for Zoning, Water Supply Watershed Protection, Property Addressing, and any other officially adopted plans, maps or ordinances having proper jurisdiction in the County. No lot referenced to or exhibited on any subdivision plat required herein shall be sold or transferred until the final plat for such subdivision has been recorded by the Madison County Register of Deeds. The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the Subdivision Ordinance or recorded with the Register of Deeds, provided the contract complies with G. S. 153A-334, as amended.

6. Definitions

Section 6.1 Subdivision Defined

A subdivision means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) including all divisions of land involving the dedication of a new road or a change in existing roads; however, the following are not included within this definition and are not subject to any regulation enacted pursuant to this Part:

- a) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county subdivision regulations;
- b) The division of land into parcels greater than 10 acres if no road right-of-way dedication is involved;
- c) The division of land into parcels greater than 5 acres up to 10 lots.
- d) The public acquisition by purchase of strips of land for widening or opening roads or for public transportation system corridors;
- e) The division of a tract in single ownership, the entire area of which is no greater than two acres into not more than three lots, if no road right-of-way dedication is involved and the resultant lots are equal to or exceed the standards of the county subdivision regulations;

Section 6.2 Other Definitions For the purpose of this Ordinance, certain words or terms used herein are defined as follows:

All-Weather Surface Road – A roadbed that supports routine vehicular traffic and has a minimum thickness of six inches (6”) of compacted crushed rock or stone, including dust.

Buffer Strip – A buffer strip as required by certain sections of this ordinance shall consist of a planting strip at least ten (10) feet in width, composed of deciduous or evergreen trees spaced not more than twenty (20) feet apart and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart, and said strip shall be planted and maintained in a healthy growing condition by the property owner. No buffer strip shall, however, extend nearer to a street right-of-way line than the established building line of the adjoining lot. In some instances a buffer strip may also include a fence or a wall in addition to the planting strip, the location and type to be determined by the Planning Board or Subdivision Administrator.

Cul-de-Sac – The terminating end of a local road with one end open for vehicular access and the other end terminating in vehicular turnaround. The length of the cul-de-sac road shall be measured along the center line from its intersection with the center of the cul-de-sac turnaround.

Develop – To convert land to a new purpose so as to use its resources, or to use the land for residential, commercial, or industrial purposes.

Developer – Any person, firm, or corporation who develops land as defined herein.

Dwelling Unit – A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement – The grant by a property owner of a property right of use of real property which is limited to use by the person or persons designated and for the use specified.

Family Subdivision — The division of land 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 three degrees of collateral kinship to the grantor as computed in accordance with G.S. 104A-1. Bona-fide family members may include a grandparent, grandchild, stepchild, parent, child, aunts or uncles.

Final Plat – A complete and exact plan of a development or subdivision prepared for final official review and which, if approved, will be submitted to the Madison County Register of Deeds for recording.

Floodway – The channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood (100 year flood) without cumulatively increasing the water surface elevation.

Land-Disturbing Activity – Any land-disturbing activity as defined in G.S. 113A-52 (6) that is undertaken on a tract comprising more than one (1) acre, if more than one (1) contiguous acre is uncovered; however, those land-disturbing activities for which the N.C. Sedimentation Control Commission is authorized to exercise exclusive regulatory jurisdiction pursuant to G.S. 113A-56 (A) are not included within this definition and are not subject to any regulations enacted pursuant to this act.

Lot – A portion of a subdivision or any other parcel of land intended as a unit for transfer or ownership or for development, or both. The word “lot” includes “plot”, “parcel”, or “tract”.

Lot of Record – A lot which has not been recombined or merged that is a part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Madison County prior to adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance unless the lot has been recombined or merged thereafter.

Major Subdivision – A proposed subdivision where eleven (11) or more lots will result after the subdivision is complete.

Minor Subdivision – A proposed subdivision of land where ten (10) or fewer lots will result after the subdivision is complete. One phase of planned development cannot be considered a minor subdivision unless the entire development does not exceed ten (10) lots.

Open Space – a portion of a site which is permanently set aside for public or private use and will not be developed. The space may be used for passive or active recreation, or may be reserved to protect or buffer natural areas.

Plat – Includes the terms: map, plan, or replat; a map or plan of a parcel of land which is to be or which has been developed or subdivided.

Preliminary Plat – A proposed development or subdivision plan prepared for review and consideration prior to preparation of a final plat.

Private Driveway – A shared right-of-way or easement for a roadway for access to no more than three (3) lots in a special subdivision and no more than two (2) lots in either a minor or major subdivision.

Road – A dedicated public or private right-of-way for a roadway for routine vehicular traffic.

Site Plan – A development layout showing the location of all improvements and land disturbing activities proposed as part of the development.

Sketch Plan – A drawing showing the subdivision layout and unique landscape features relevant to the development. This drawing shall be prepared preferably by a professional surveyor, landscape architect, engineer or experienced designer who can make the most appropriate use of the land and find an acceptable functional layout which meets the provisions of the land use regulations of Madison County.

Special Subdivision – A proposed subdivision where three (3) or fewer lots on a new or existing private driveway will result after the subdivision is complete.

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

Unified Residential Development – A development consisting of more than three (3) dwelling units. Notwithstanding any provision of G.S. 153A-331, no county subdivision ordinance development standard shall apply to a unified residential development except insofar as such a standard pertains to a direct access road(s) that will serve such development(s). By definition the direct access road(s) end at the point the parking lot begins. This in no way supersedes present or future fire code regulations.

7. Procedure for Review and Approval of Subdivision Plats

Section 7.1 Classification of Subdivisions Subdivisions shall be of one of the following classes: family, special, minor, or major.

Section 7.2 Approval of Subdivision Plats Required Plats shall be prepared and approved pursuant to the provisions of this Ordinance whenever land subject to this Ordinance is subdivided or otherwise developed. A final plat must be prepared, approved, and recorded pursuant to this Ordinance whenever a subdivision of land occurs or whenever the development of land takes place that is subject to this Ordinance.

No land disturbing or construction activity carried out in conjunction with the development shall be commenced until the preliminary plat is approved by the Planning Board of Madison County. No building permit or on-site wastewater septic permit shall be issued until the final plat of the subdivision is approved by the Planning Board and recorded by the Madison County Register of Deeds. The Register of Deeds shall not file or record a plat of a subdivision or development subject to this Ordinance that has not been approved in accordance with these provisions, and the Clerk of Superior Court shall not order or direct the recording of a plat if the recording would be in conflict with this Ordinance.

Section 7.3 Procedure for Review of Family Subdivisions

1. The purpose of the family subdivision is to allow the creation of lots from larger tracts for conveyance to bona-fide family members without the applicant being subject to the minor subdivision review process. The procedure does not require submission of a preliminary plat for approval, only submission of the final plat. No application forms are required. The applicant, however, must satisfy the Subdivision Administrator that such division is in fact a family subdivision as defined in Section 6.2.
2. The deed for each lot in a family subdivision must contain an express statement that the conveyance is a conveyance of a lot within a family subdivision and must contain an express grant of a right-of-way to a public road.
3. If the family subdivision complies with the standards set forth in this section, the Subdivision Administrator shall provide approval in writing on the face of the final plat and shall retain a copy for his records. The final plat must be suitable for recordation by the Madison County Register of Deeds and comply with G.S. 47-30. The title block on the final plat shall identify it as a Family Subdivision.
4. No person may utilize this Section for the purpose of evading the requirements of any applicable provisions of this chapter. In the event that a person is found to have used this Section for purposes other than a bona-fide family subdivision, then such person may be required to comply with any and all requirements for a major subdivision and may be required to rerecord a plat. In addition, abuse of this Section will be deemed a violation of this chapter and may subject the violator to any and all applicable penalties.

Section 7.4 Procedure for Review of Special Subdivisions

1. The subdivider shall submit to the Madison County Subdivision Administrator a final plat suitable for recordation by the Madison County Register of Deeds that complies with G.S. 47-30. Upon approval, the Subdivision Administrator will affix a stamp indicating that the plat is "approved as a special subdivision, and the access is

considered a private driveway." The final plat shall contain the information required in Section 7.6.3 of this Ordinance.

2. The county recommends that the subdivider dedicate a 45-foot right-of-way with each private driveway within the subdivision. The Subdivision Administrator shall approve the final plat within thirty (30) working days after the plat is submitted for review, providing all requirements are met. Failure of the Subdivision Administrator to act on the final plat within thirty (30) working days shall be deemed as basis for appealing to the County Planning Board.
3. A special subdivision created from any parcel previously subdivided in accordance with Section 6.1(b) shall not be approved if that parcel was created following the effective date of this Ordinance unless the special subdivision road(s) or private driveway(s) adjoin and are accessed by a state maintained road or a road that meets the standards of Section 8.9.5 of this Ordinance.
4. At the time of the effective date of this Ordinance, all recorded lots may have one special subdivision without regard to the type of access road leading to the proposed special subdivision. No subsequent special subdivisions on either the original lot or any successor lot(s) shall be approved unless they adjoin and are accessed by a state maintained road or a road that meets the standards of Section 8.9.5 of this Ordinance.

Section 7.5 Plat Submission and Review of Major and Minor Subdivisions

All subdivisions that do not meet the definition of a family or special subdivision shall be classified as either a major or minor subdivision as defined herein. Major subdivisions shall be reviewed in accordance with the procedures in Section 7.5.3. Minor subdivisions shall be reviewed in accordance with the provisions in Section 7.5.2. However, if the subdivider owns, leases, holds an option on, or holds any legal or equitable interest in any property adjacent to or located directly across a street, easement, road or right-of-way from the property to be subdivided, the subdivision shall not qualify under the abbreviated minor subdivision review procedure. Furthermore, the abbreviated minor subdivision procedure may not be used a second time within three years on any property less than fifteen hundred feet from the original property boundaries by anyone who owned, had an option on, or any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval.

Upon receipt of a preliminary plat for a major subdivision, the Planning Board shall hold a public hearing in accordance with the provisions of G.S. 153A-323 and the Planning Board shall then review the plat at its next regularly scheduled meeting.

Section 7.5.1 Predevelopment Evaluation The purpose of the predevelopment evaluation is to offer the subdivider an opportunity to obtain advice and technical assistance from the County, to acquaint the subdivider with the subdivision review process in general, and to help facilitate the subsequent preparation and approval of any required preliminary and final plats prior to expending significant resources.

1. The subdivider or his/her agent shall schedule and attend a predevelopment evaluation meeting with the Subdivision Administrator at least ten (10) working days prior to the submission of any subdivision application.
2. At the meeting, the subdivider shall submit to the Subdivision Administrator for evaluation, four (4) copies of a site plan or sketch plan containing all information required in Section 7.6.1.
3. All plans shall be reviewed by the Subdivision Administrator for the entire tract or parcel of land which might be developed. Areas not intended for immediate development should be identified as areas for future development. In determining

whether a development is a minor or major development, the Subdivision Administrator shall make a determination of whether when the land is fully developed it will consist of 11 or more lots, and if it will do so, the development shall be treated as a major subdivision, even if the initial phase has ten or fewer lots.

4. The Subdivision Administrator may seek additional information from the following review agencies prior to making any recommendation: Consulting Engineers, Building Inspections, Zoning, Environmental Health, Fire Marshal, 911 Addressing/Land Records, NCDOT and any other agency or department as deemed necessary by the Subdivision Administrator.
5. The Subdivision Administrator shall provide the subdivider a copy of his written comments, if any, detailing his recommendations within fifteen (15) working days of the predevelopment evaluation meeting.

Section 7.5.2 Procedure for Review of Minor Subdivisions

1. **Preliminary Plat Submission and Review** The procedure for obtaining preliminary plat approval for a minor subdivision is as follows:
 - a. Subsequent to a predevelopment evaluation, the subdivider shall submit to the Madison County Subdivision Administrator ten (10) copies of a preliminary plat containing the information required in Section 7.6.2 of this Ordinance.
 - b. The Subdivision Administrator shall review the plat and any additional information for completeness and general compliance with the requirements of this Ordinance and any other applicable County or State regulations; shall discuss with the developer or his agent any changes deemed advisable in the proposed development or any additional information necessary for review of the minor subdivision.
 - c. The Subdivision Administrator shall submit copies of the plat and any accompanying material to other officials and agencies concerned with new development including but not limited to: 1) The NCDOT district highway engineer as to proposed streets, highways, and drainage systems; 2) The county health director as to proposed water or sewerage systems; and 3) Any other agency or official deemed necessary by the Subdivision Administrator.
 - d. Within fifteen (15) working days after the plat has been received, the Subdivision Administrator shall approve, approve conditionally, disapprove, or at his discretion, refer the preliminary plat to the Planning Board for further review under the provisions of this section.
 - e. Upon approval of the preliminary plat, the subdivider may proceed with the preparation of the final plat and the installation of, or arrangement for, required improvements such as roads and utilities in accordance with the approved preliminary plat and the requirements of Section 7.6.3 of this ordinance.
 - f. Failure of the Subdivision Administrator to act in writing on the preliminary plat within the specified response time shall be deemed as a basis for appealing to the Madison County Planning Board.
2. **Final Plat Submission and Review** The procedure for obtaining final plat approval for a minor subdivision is as follows:
 - a. Prior to approval of the final plat, the subdivider shall have installed the improvements specified in this Ordinance or guaranteed their installation as provided herein.

- b. The subdivider shall submit five (5) copies of the final plat to the Subdivision Administrator at least twenty (20) working days prior to a regularly scheduled meeting of the Planning Board. The five (5) copies of the final plat shall include a reproducible permanent tracing and four (4) prints.
- c. At the discretion of the Planning Board, the final plat may be reviewed in separate phases provided that the requirements for submission and review of final plats have been met for each phase and complies with the provisions set forth in Section 7.7 of this Ordinance.
- d. The final plat shall be prepared by a registered land surveyor currently licensed by the N.C. State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 as amended, and as set forth in the Standards of Practice for Land Surveying in North Carolina and in Section 7.6.3 of this Ordinance.
- e. The Planning Board shall approve, approve conditionally, disapprove, or table for further information all final plats for minor subdivisions. If the action is to disapprove the final plat, the reasons for such action shall be stated in the minutes and specific reference shall be made to the regulations with which the final plat does not comply.
- f. Approval of the final plat by the Planning Board shall be affixed to the reproducible permanent tracing of the final plat and shall serve as the original for all subsequent copies. A final approved copy will be distributed by the Subdivision Administrator to the Madison County Sheriff's Department, the Office of Emergency Services, the U.S. Post Office, the North Carolina Forest Service and Madison County 911 Operations.

Section 7.5.3 Procedure for Review of Major Subdivisions

1. **Sketch Plan Submission and Review** The procedure for obtaining sketch plan approval is as follows:
 - a. Subsequent to a predevelopment evaluation, the subdivider shall submit to the Madison County Subdivision Administrator ten (10) copies of the sketch plan, containing the information required in Section 7.6.1 of this Ordinance, at least twenty (20) working days prior to the next meeting of the Planning Board.
 - b. The Subdivision Administrator shall review the sketch plan and any additional information for completeness and forward the sketch plan to the Planning Board for their review.
 - c. At its meeting, the Planning Board shall review the plan for general compliance with the requirements of this Ordinance and any other applicable County or State regulations; shall discuss with the developer or his agent any changes deemed advisable in the proposed development; and request any additional information necessary for review of the major subdivision.
 - d. The Planning Board shall approve, approve conditionally, disapprove or table for further information all sketch plans for major subdivisions.
 - e. The Subdivision Administrator shall provide the subdivider with the final written decision and recommendations of the Planning Board within fifteen (15) working days following the meeting at which the plan was first considered.

2. **Preliminary Plat Submission and Review** The procedure for obtaining preliminary plat approval for a major subdivision is as follows:

- a. Upon approval of the sketch plan by the Planning Board, the subdivider may proceed with the preparation of the preliminary plat.
- b. The subdivider shall submit to the Madison County Subdivision Administrator ten (10) copies of a preliminary plat containing the information required in Section 7.6.2 of this Ordinance at least twenty (20) working days prior to the next regularly scheduled meeting of the Planning Board.
- c. The Subdivision Administrator shall review the preliminary plat and any additional information for completeness and forward the complete application to the Madison County Planning Board for their review.
- d. The Subdivision Administrator shall submit copies of the plat and any accompanying material to other officials and agencies concerned with new development including but not limited to: 1) The NCDOT district highway engineer as to proposed streets, highways, and drainage systems; 2) The county health director as to proposed water or sewerage systems; and 3) Any other agency or official deemed necessary.
- e. At its regularly scheduled meeting, the Planning Board shall review the plat for general compliance with the requirements of this Ordinance and any other applicable County or State regulations; shall discuss with the developer or his agent any changes deemed advisable in the proposed development or any additional information necessary for review of the major subdivision.
- f. The Planning Board shall approve, approve conditionally, disapprove or table for further information all preliminary plats for major subdivisions. If the Planning Board disapproves the preliminary plat, the reasons for such action shall be stated in writing and references shall be made to the specific regulations with which the preliminary plat does not comply. If conditional approval is made, the reasons for such action shall be stated in the minutes and specific reference shall be made to the regulations with which the final plat does not comply.
- g. The Subdivision Administrator shall provide the subdivider with the final recommendations of the Planning Board within fifteen (15) working days following the meeting at which the plat was first considered.
- h. Upon approval of the preliminary plat by the Planning Board, the subdivider may proceed with the preparation of the final plat and the installation of, or arrangement for, required improvements such as roads and utilities in accordance with the approved preliminary plat and the requirements of Section 7.6.3 of this Ordinance.

3. Final Plat Submission and Review The procedure for obtaining final plat approval for a major subdivision is as follows:

- a. Prior to approval of the final plat, the subdivider shall have installed the improvements specified in this Ordinance or guaranteed their installation as provided herein.
- b. The subdivider shall submit five (5) copies of the final plat to the Subdivision Administrator at least twenty (20) working days prior to a regularly scheduled meeting of the Planning Board. The five (5) copies of the final plat shall include a reproducible permanent tracing and four (4) prints.
- c. At the discretion of the Planning Board, the final plat may be reviewed in separate phases provided that the requirements for submission and review of final plats have been met for each phase and complies with the provisions set forth in Section 7.7 of this Ordinance.
- d. The final plat shall be prepared by a registered land surveyor currently licensed by the N.C. State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 as amended,

and as set forth in the Standards of Practice for Land Surveying in North Carolina and in Section 7.6.3 of this Ordinance.

- e. The Planning Board shall review the final plat and shall take formal action to approve or disapprove the final plat. If the action is to disapprove the final plat, the reasons for such action shall be stated in the minutes and specific reference shall be made to the regulations with which the final plat does not comply.
- f. Approval of the final plat by the Planning Board shall be affixed to the reproducible permanent tracing of the final plat and shall serve as the original for all subsequent copies. A final approved copy will be distributed by the Subdivision Administrator to the Madison County Sheriff's Department, the Office of Emergency Services, the U.S. Post Office, and the North Carolina Forest Service.

Section 7.6 Specifications for Sketch Plans, Preliminary and Final Plats

Section 7.6.1 Specifications for Sketch Plans

The sketch plan shall be prepared based on aerial photography, visual observations and an on-site inspection of the tract and may be prepared, at the applicant's request, with the general guidance of the Subdivision Administrator. The sketch plan should be professionally prepared at a scale that is clearly legible and provides sufficient detail to describe the general location and pertinent features of the proposed development. The sketch plan shall contain the following information:

1. A vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads and waterways;
2. The boundaries of the tract and the portion to be subdivided;
3. The total acreage to be subdivided;
4. The proposed street layout with approximate pavement and right-of way width;
5. Number of lots created, lot layout and size of lots;
6. Streets and lots of adjacent developed or platted properties;
7. The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
8. The zoning classification of the tract and of adjacent properties;
9. Critical and sensitive areas including streams, creeks, ponds, reservoirs, floodplains, wetlands, slopes greater than twenty percent, farmland, forested areas, rock outcroppings, and any significant cultural features such as cemeteries, ruins, etc.
10. The name, if any, of the proposed subdivision;
11. The name, address and telephone number of the owner;

Section 7.6.2 Specifications for Preliminary Plats

Preliminary plats shall be clearly and legibly drawn at a scale of at least one inch = 200 feet and shall be drawn on an appropriate standard sheet size. The preliminary plat shall depict or have attached the following information:

1. **Title block and development information.** The title block shall contain the following:
 - a. Name and address of owners and subdivider of record;
 - b. Name and classification of subdivision;
 - c. Location (township, county, state);
 - d. Date of survey;
 - e. Graphic scale and written scale;

- f. Name, address, registration and seal of designing engineer, surveyor, architect, or landscape architect (i.e. licensed professional); and
 - g. Tax parcel identification number(s), PIN(s).
- 2. Roads.**
- a. Existing, platted, and proposed roads within or abutting subdivision
 - b. Rights-of-way, location and dimensions (proposed/existing)
 - c. Proposed road names.
- 3. Utilities.** The following information shall be shown for utilities:
- a. Utility and other easements of record within and abutting the subdivision;
 - b. Provisions for electrical and telephone services;
 - c. Provisions for cable television service, if applicable;
 - d. Provision of natural gas lines;
 - e. Sanitary sewers, location and size, (proposed/existing)
 - f. Storm sewers, culverts, detention ponds, and other drainage facilities (proposed/existing).
 - g. Water lines, location and size, (proposed/existing)
- 4. Site Calculations.** Project data shall include the following:
- a. Total area of tract to be subdivided;
 - b. Total number of lots;
 - c. Linear feet in roads (centerline);
 - d. Area of each lot in acres;
 - e. Approximate delineation of wooded and open areas.
- 5. Other details.** Other details to be shown are as follows:
- a. Vicinity map showing the relationship between the proposed subdivision and surrounding area;
 - b. Exact boundaries of tract as surveyed, shown with bearings and distances as required by G.S. 47-30, as amended (proposed/existing);
 - c. Minimum building setback lines and approximate building envelopes, if applicable
 - d. Topographic information adequate to determine the site drainage and location and name of all watercourses as identified on USGS 7.5 minute series topographic maps.
 - e. Any natural features affecting the site, including delineation of areas with elevations of 3,000 feet or greater;
 - f. The location of the flood hazard, floodway, and flood fringe boundaries, if applicable;
 - g. Water Supply Watershed classification (or note if not in a water supply watershed)
 - h. The location of any known cemeteries;
 - i. Existing structures, railroads, and bridges within the subdivision;
 - j. Approximate lot lines, distances and lot numbers;
 - k. Location of control corners;
 - l. The accurate location and description of all monuments, reference markers and property and lot corners;
 - m. Names of adjacent property owners and parcel identification numbers (PIN);
 - n. The existing uses of the land within and abutting the subdivision; and
 - o. Proposed parks, open space, and other common areas or amenities, including the future ownership (dedication or reservation for public use to governmental body, for owners to duly constituted homeowners' association, or for tenants remaining in subdivider's ownership) of recreation and open space lands.

6. **Statement of permission for sewer system.** A written statement from the North Carolina Department of Environment Natural Resources (NCDENR) permitting plans for the community sanitary sewer system, if applicable.
7. **Permission for water system.** A written statement from the NCDENR approving and permitting plans for a community water system, if applicable.
8. **Approved erosion control plan.** A copy of the erosion control plan and a written statement from the NCDENR that an erosion control plan has been submitted for the project, if applicable.
9. **Subdivision roads disclosure statement.** A subdivision roads disclosure statement prepared in accordance with G.S. 136-102.6, if applicable. *(All roads must be designated either public or private. Where public streets are involved, the subdivision administrator will submit the following documents to the NCDOT District Highway Office for review: a complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade; PI station and vertical curve length on site plan layout; the District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist; typical section indicating the pavement design and width and the slopes, widths and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage areas.)*
10. **Approval of proposed road and highway plans.** A written statement from the district engineer of the state department of transportation certifying approval of any proposed road and highway plans, if applicable. NCDOT driveway permit must be submitted prior to preliminary approval.
11. **Deed restrictions.** A copy of the proposed deed restrictions and restrictive covenants for the development, when required or applicable.
12. **Other applicable information.** Any other information considered by the subdivider, the Planning Board, and/or the Subdivision Administrator to be pertinent to the review of the plat.
13. **Certificates.** The following certification:

Certificate of Approval or Conditional Approval by the Madison County Planning Board

I, _____, chairman of the Madison County Planning Board hereby certify that the said board fully or conditionally approved the preliminary plat of the subdivision entitled _____ on the _____ day of _____, 20_____.

_____, Chairman

Section 7.6.3 Specifications for Final Plats

Final plats shall be clearly and legibly drawn at a scale of at least one inch = 200 feet and shall be drawn on a sheet size of mylar acceptable to the Madison County Register of Deeds. The final plat for recordation shall include the following:

1. Compliance with G.S. 47-30, as amended, and Standards of Practice for Land Surveying as adopted by the state board of registration for professional engineers and land surveyors;
2. All utility and drainage easements;
3. All reserved areas, parks and open spaces; and
4. The following signed certifications:

Certificate of Ownership and Dedication

I (we) hereby certify that I am (we are) the owner(s) of the property located within the subdivision-regulation jurisdiction of Madison County as shown and described hereon, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish minimum building setback lines, and dedicate all roads, walks, parks and other sites and easements to public or private use as noted.

_____ Date _____ Owner(s)

Private Subdivision Roads Disclosure Statement (if applicable)

The roads in this subdivision are private. The property owners are responsible for maintaining and repairing the roads as well as paying the costs thereof. Governmental services may be restricted or not furnished to the property of owners using private roads for access.

Water Supply Watershed Protection (if applicable)

I certify that the plat shown hereon complies with the Watershed Protection Ordinance and is approved by the Watershed Administrator for recording in the Madison County Register of Deeds Office.

_____ Date _____ Watershed Administrator

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

Certificate of Survey and Accuracy

I, _____, certify that this plat was (drawn by me)(drawn under my supervision) from (an actual survey made under my supervision) (deed description recorded in Book(file)_____, Page _____, (Slide_____, etc.) (Other); that the precision of the survey before adjusting was one (1) part in_____ as calculated by latitudes and departures, and that this map was prepared in accordance with G.S. 47-30, as amended, Witness my original signature, registration number, and seal this the __ day of _____, _____.

_____ Official Seal
Registered Land Surveyor

_____ Registration Number

Certificate of Approval of the Design and Installation of Streets, Utilities and other Required Improvements

I hereby certify that all streets, utilities and other required improvements have been installed in an acceptable manner and according to Madison County specifications and standards in the subdivision entitled _____, or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the County have been received.

Subdivision Administrator or County Engineer

Date

Certification of Road Grades and Suitability

I, _____, certify that the newly constructed or proposed road grades and slopes were (calculated by me) (calculated under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) and do not exceed 18 percent. Witness my original signature, registration number, and seal this the _____ day of _____, _____.

Registered Land Surveyor or Professional Engineer

Official Seal

Registration Number

Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Control Ordinance of Madison County, North Carolina and that this plat has been approved by the Madison County Planning Board for recording in the Office of the Register of Deeds of Madison County.

Planning Board Chairman

Date

Review Officer's Certificate

State of North Carolina
County of Madison

I, _____, Review Officer of Madison County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date

Section 7.7 Phased Developments

For all developments being done in phases, provided that the preliminary plat has been approved by the Madison County Planning Board, additional final plats may be approved by the Subdivision Administrator, without submission to the Madison County Planning Board, provided that the additional phases fully conform to all conditions set forth by the Madison County Planning Board in its review of the plan during the initial phase; however, if there are any deviations from the initial phase, the Subdivision Administrator may not grant approval without bringing said additional phases back before the Planning Board for approval.

Section 7.8 Resubdivision Procedures

For any replatting or resubdivision of land, the same procedures, rules, and regulations shall apply as prescribed herein for an original subdivision.

Section 7.9 Recordation of the Final Plat

Within thirty (30) days after the approval of the final plat, it shall have been recorded with the Register of Deeds of Madison County. Should the thirty (30) day time limit expire before the plat is recorded, it must be resubmitted to the Chairman of the Planning Board, or his/her designee, for review under the current subdivision regulations. Upon adoption of these regulations, the Register of Deeds of Madison County shall not thereafter file or record a plat of a subdivision located within the jurisdiction of the Subdivision Control Ordinance of Madison County until said plat has been approved by the Planning Board. Without the approval of the Planning Board, the filing or recording of a subdivision plat shall be null and void.

8. Improvements, Minimum Design Standards and Development Criteria

Section 8.1 General Each subdivision shall be developed in accordance with the minimum design standards and development criteria set forth in this ordinance and contain the improvements specified herein, which shall be paid for by the subdivider unless other means of financing is specifically stated in this ordinance. Land shall be dedicated and reserved in each subdivision as specified in the ordinance.

Section 8.2 Conformity to Existing Maps or Plans The plat of a subdivision shall conform to any official map or plan adopted by the Board of County Commissioners, existing on the effective date of this Ordinance, or thereafter adopted. Furthermore, no subdivision shall be approved unless all lands proposed as future rights-of-way for any public road in an adopted official thoroughfare plan for Madison County are preserved.

Section 8.3 Suitability of Land Where land to be subdivided is found by the Subdivision Administrator or Planning Board, on the basis of engineering or other expert surveys, to be subject to the conditions of flooding, improper drainage, severe erosion, landslides, or to have other characteristics which pose an ascertainable danger to life, health, safety or property by reason of its unsuitability for the use proposed, shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions and eliminate said dangers.

Section 8.4 Erosion and Sedimentation Control Plan Any subdivider of land shall submit to the Subdivision Administrator, prior to approval of a final plat, an approved erosion and sedimentation control plan, or a written notice from the NCDENR verifying that an erosion and sedimentation control plan has been approved. Such plans are required anytime one acre or more of land is disturbed.

Section 8.5 Stormwater Drainage The subdivider shall provide a surface water drainage system constructed to the standards of the NCDOT as reflected in *Handbook for the Design of Highway Surface Drainage Structures, (1973)* and subject to review by the Planning Board, the Subdivision Administrator, and County Consulting Engineer. Stormwater drainage improvements shall be designed and constructed to minimize erosion and downstream sedimentation, to follow natural drainage where possible, to minimize flooding or standing water conditions, to maintain desirable groundwater conditions and to avoid excessive stormwater discharge. No stormwater shall be channeled or directed into a sanitary sewer. Points of stormwater discharge shall be within the site unless otherwise approved by the Planning Board and adjoining property owners.

Section 8.6 Buffers Strips Whenever a residential subdivision is located adjacent to an office, institutional, commercial or industrial use which does not have a buffer, or property zoned for these

uses, and a buffer is not required between these and the subdivision, the subdivider shall provide a buffer as defined in Section 6.2. The width of the buffer shall be in addition to the lot area required by the Madison County Zoning Ordinance. The buffer shall become part of the lot on which it is located, or in the case of commonly-owned property, shall be deeded to the homeowners' association.

Section 8.7 Utilities All subdivision proposals shall set forth what utilities and facilities such as water and sanitary sewer systems, electric, and telephone will be available, where same will be located and how constructed. All lots in subdivisions not connected to municipal or county water and/or sanitary sewer systems must have a suitable source of water supply and sanitary sewage disposal which complies with the regulations of the Madison County Environmental Health Department and any other appropriate local or state agency. For subdivisions in which the water supply and/or sewer system to be installed is an individual well or septic system for each lot, the installation of said systems will not be required prior to final plat approval. Also it is noted that all underground utilities for the purpose of this ordinance shall be installed in color coded piping according to industry standards.

8.7.1 Community Water and Sewer Systems: For developments with One Hundred (100) or more lots a community water and sewer system shall be required.

8.7.2 Retention and Re-Charge Ponds: For any subdivision 50 acres or more; there shall be one Retention & Re-charge pond for each 50 acres. For Major subdivisions that will be built in phases; the total number of Retention and Re-Charge ponds will be calculated on the final total acreage of the planned subdivision. Ponds will be developed with the phases of the subdivision to keep the ratio of one pond per each 50 acres uniform throughout the subdivision. These ponds shall be made accessible to all emergency, fire, and life safety service vehicles and/or apparatus 365 days a year. Such access points shall be shown on the plan and shall be approved by the county fire marshal.

Section 8.8 Flood Damage All subdivision proposals shall be consistent with the need to minimize flood damage as provided for in the Madison County Flood Plain Ordinance. All subdivision proposals that have public utilities and facilities such as sewer, electrical, and water systems shall be located and constructed so as to minimize damage to utilities from flooding.

Section 8.9 Subdivision Design and Roads

Section 8.9.1 Subdivision Names and Name Signs All subdivisions may provide for, at the primary entrance, a subdivision name sign to conform to Madison County sign standards. Such signs should be located in dedicated sign easements, which must be shown on the final plat. The name of a subdivision shall not duplicate a name that is identical to or phonetically similar to any other subdivision or named community in Madison County.

Section 8.9.2 Lot Dimensions, Configuration and Frontage Lot size shall only be regulated as required by the articles of this Ordinance, the Zoning Ordinance, and as required by the Madison County Health Department. Any tract of land to be subdivided must either have frontage on an existing public (state-maintained) road or a private right-of-way to a public road. The narrowest width of any lot abutting the right-of-way will be 35 feet. Such thirty-five foot width may be waived for family subdivisions pursuant to Section 7.4. The minimum lot area, depth, width and building setbacks shall comply with the district requirements of the Madison County Zoning Ordinance. Lot area shall be calculated excluding road rights-of-way. Where possible, side lot lines shall be at right angles or radial to the streets on which the lots face. Flag lots or lots which only have a narrow strip of land fronting the lot on a street may be approved by the Planning Board for minor

subdivisions, but only under unusual circumstances. Double-fronted lots should be used only when necessary.

1. **Open Space** At least ten (10) percent of the gross land area, excluding road rights of way, of a major subdivision shall be designed and reserved as open space or as a recreation area. Open space and recreation areas shall be located so as to be free of traffic hazards and easily accessible to subdivision residents. In reviewing the proposed major subdivision the Planning Board shall decide if the proposed open space is sufficient.

Section 8.9.3 Subdivision Roads The N.C. Department of Transportation Subdivision Roads Minimum Construction Standards, dated January, 2000, for residential subdivision roads, are adopted by reference except for paving specifications, standards relating to previously platted road right-of-way widths less than forty-five feet (45'), and road shoulders. *Note: Private roads constructed to the minimum standards of this Ordinance will or could not meet N.C. Department of Transportation minimum subdivision road requirements. As a result, the N.C. Department of Transportation may not accept these roads without additional improvement(s).*

Section 8.9.4 Road Standards Subdivision roads may be designated public or private.

1. Public subdivision roads shall be built to minimum construction standards of the N.C. Department of Transportation as required by G.S. 136-102.6.
2. All minor and major subdivision roads shall have approved road name signs installed by the developer and shall conform to the Madison County Road Naming Ordinance administered by the Madison County 911 Operations Department. All minor and major subdivision roads intersecting a state maintained road shall have a stop sign that conforms to N.C. Department of Transportation specifications, installed by the developer and maintained by the developer or homeowners association. After N.C. Department of Transportation accepts the subdivision road(s), the developer or homeowners association shall not be responsible for the maintenance of road name and stop signs.
3. Private minor and major subdivision roads shall be built to the minimum construction standards set forth in Section 8.9.5 of this Ordinance. All minor and major subdivision roads and right-of-ways shall adjoin and access a state maintained road by a road constructed to the minimum design standards of Section 8.9.5.
4. No road in an area subject to flooding shall be approved if it is more than two feet (2') below the elevation of a 100 year flood. The Planning Board may require, where necessary, profiles and elevations of roads for areas subject to flooding. Fill may be used for roads provided such fill does not unduly increase flood heights. Drainage openings for roads in areas subject to flooding shall be provided and shall be so designed as to not restrict the flow of water and unduly increase flood heights.
5. Every road shall be designed to accommodate a ten (10) year storm water run-off by natural or artificial means.
6. The proposed road or road layout shall be coordinated with the existing road system of the surrounding area. Where possible, proposed roads shall be an extension of existing roads.
7. Proposed roads which are obviously in alignment with existing roads shall be given the same name. In assigning new names, the proposed name shall in no case be a

duplication of an existing name or a name which is phonetically similar to existing names irrespective of the use of a suffix such as road, drive place, court, etc. All proposed road names and signs shall be approved in accordance with the Madison County Road Naming Ordinance and be approved by the Madison County 911 Advisory Board.

Section 8.9.5 Road Design Private subdivision roads shall meet the following minimum road design standards.

1. **New Road Right-of-Way Width** All minor or major subdivision roads shall have a minimum right-of-way of forty-five feet (45'). *Note: NC Department of Transportation requires a fifty foot (50') minimum right-of-way for a dead-end road more than 2,500 feet in length or a loop road more than one (1) mile in length.*
2. **Previously Platted Road Right-of-Way Width** Where a right-of-way less than forty-five feet (45') was recorded or platted prior to February 2, 1998 and a forty-five foot (45') right-of-way is not now obtainable for the purpose of accessing the subdivision of land for either a minor or major subdivision, the following minimum standards shall be met by the developer.
 - a. The developer or his designee shall submit a copy of the recorded plat or deed describing and identifying the right-of-way for review by the Planning Board to make a determination of suitability.
 - b. The access road shall conform to all county road standards in Section 8.9.4.
 - c. A disclosure statement shall be placed on the final plat stating "This subdivision is accessed by a road which does not have a forty-five foot (45') minimum right-of-way. Madison County Emergency vehicles and public utility access to homes within the subdivision may be limited. The NC Department of Transportation is unlikely to accept and maintain roads within the subdivision as public road(s)."
3. **Cul-de-Sacs.** The required turnaround on a dead-end road in a subdivision shall have an unobstructed roadway radius not less than thirty-five feet (35'), and with the use of a "Y" or a "T" or other turning design, which will allow a vehicle with a wheel base of at least twenty-five feet (25') to complete turning movement with a maximum of one (1) backing movement, shall be permitted. Note and please refer to Section 8.9.5(1). Roads not built to NC Department of Transportation minimum standards will not be maintained by the NC Department of Transportation. These roads will be considered private roads, and County school buses may not run on private roads.
4. **Road Grades.** Maximum road grades shall be eighteen percent (18%). NO VARIANCE shall be granted for any road grade exceeding eighteen percent (18%). The following minimum design standards, as well as the criteria listed in Schedule 1, shall be met by the developer.
 - a. Any road with a grade of more than 16 percent (16%) shall be paved and may not have any continuous section of more than 16 percent (16%) with a length greater than two hundred (200) feet.
 - b. Maximum Road Grade changes ten percent (10%) in thirty-five feet (35') horizontal distance.

- c. All roads shall have one hundred feet (100') horizontal distance between curves. All roads shall have a clear line of site of seventy-five feet (75') at driveway location, and a maximum angle of 60 degrees from road.
 - d. All roads shall be graded to their full roadbed width of 17 feet and for an additional 1.5 feet on each side of the roadbed.
 - e. Finished grade, cross section, and profiles shall be approved by a registered land surveyor or professional engineer, with civil engineering qualifications. At the discretion of the Subdivision Administrator or Planning Board, the County Engineer or consulting engineer may be requested, at the developer's expense, to ensure development standards are being met.
 - f. Before grading is started, the required roadbed width area shall be first cleared of all stumps, roots, brush and other objectionable materials.
 - g. All tree stumps, boulders and other obstructions within the proposed roadbed width shall be removed to a depth of one foot below the subgrade.
 - h. All suitable material from roadbed cuts may be used in the construction of fills, approaches, or at other places as needed. The fill shall be installed and compacted.
5. Roadbed Base After protection of the subgrade, the roadbed shall be surfaced with material of no lower classification than crushed rock, stone or gravel. The size of the crushed rock or stone shall be 1 1/2 inches down, including dust. Spreading of the stone shall be done uniformly over the area to be covered by means of appropriate spreading devices and shall not be dumped in piles. The stone shall be thoroughly compacted; the compacted thickness of the stone roadbed shall be no less than six inches.
6. Bridges
- a. Bridges located on proposed public roads in residential subdivisions shall be designed according to state road standards for public road bridges. Prior to final plat approval or release of any improvement guarantee the applicant must submit a copy of documentation indicating approval of bridge plans by NCDOT and as built drawings with certification from a registered professional engineer that the bridge meets state road standards for public road bridges.
 - b. Bridges proposed for private roads shall comply with state road standards for public road bridges for drainage, hydraulics and minimum live load (40,000 lbs.). If bridges on private roads in residential subdivisions are proposed, the applicant must submit a copy of bridge plans showing certification from a registered professional engineer indicating that the bridge plans meet state road standards for public road bridges for drainage, hydraulics and minimum live load. The travelway width across the proposed bridge must not be less than the travelway width of the road on either side of the proposed bridge, but in no event shall the bridge travelway be less than 12 feet. Prior to final plat approval or release of any improvement guarantee, the applicant must submit a copy of an as-built drawing of the bridge with certification from a registered professional engineer that the bridge meets the standards required in this subsection.

Section 8.9.6 Connections with State Road System If a new subdivision road (to be dedicated as public or private) will connect to a state system road, a permit authorizing construction on state right-of-way may be required from the Division of Highways before beginning construction. If required, applications shall be made to the District Engineer of the NC Department of Transportation having jurisdiction in this area.

Section 8.9.7 Intersections When a new subdivision road connects to a state maintained road, the design standards of the NC Department of Transportation for intersections shall be required with a maximum grade not to exceed six percent (6%).

Schedule 1: Minimum Design Criteria for Roadways

Minimum Road Right of Way Width – Shoulder Section	45'
Minimum Road – Bed Width	17'
Maximum Grade	18%
Maximum Cut and Fill Slopes	1.5:1
Minimum Road Shoulder Width Both Sides	1.5'
Minimum Cul-de-sac Radius Right of Way	50'
Minimum Cul-de-sac Road Radius	35'

Section 8.9.8 Guarantee of Improvements Approval of the final plat shall be subject to the subdivider's having guaranteed, to the satisfaction of Madison County, the installation of said improvements. Madison County reserves the right to inspect, reject, stop, or otherwise cease the construction of all service facilities or improvements in the event the same are not being constructed in accordance with the plans, specification standards, policies, or other requirements of Madison County. Where the required roadbed and utility improvements have not been completed prior to the submission of the final plat for approval, the approval of said plat shall be subject to the subdivider guaranteeing the installation of the improvements within a period of time specified by the Planning Board after consulting with the developer or his engineer(s). Either of the methods described below may be used to guarantee improvements:

1. Filing a performance or surety bond or an irrevocable standby letter of credit in the amount of one hundred percent (100%) of the cost to complete the work as determined by the subdivider and approved by the Planning Board.
2. By depositing or placing in escrow, a certified check or cash in an amount equal to one hundred twenty-five percent (125%) of the amount in Section 8.9.8(1). Portions of the deposit may be released as work progresses as specified by the Planning Board after consulting with the developer or his engineer.

9. Reserved

10. Legal Provisions

Section 10.1 General Procedure for Plat Approval After the effective date of this Ordinance, no plat of a subdivision of land subject to the provisions of this Ordinance shall be filed or recorded until it has been submitted to and approved by the Madison County Planning Board and/or the Planning Director, and until this approval is entered in writing on the face of the plat by the Chairman of the Planning Board or the Planning Director.

The Register of Deeds shall not file or record a plat of a subdivision of land located within the planning jurisdiction of the county that has not been approved in accordance with this Ordinance, nor shall the Clerk of Court order or direct the recording of a plat if the recording would be in conflict with this Ordinance.

Approval of a minor or major preliminary subdivision plat by either the Subdivision Administrator or the Planning Board shall be effective for a period of not to exceed one (1) year and thereafter the same shall expire and be considered null and void. A six (6) month extension may be granted by the Subdivision Administrator or Planning Board when reasonable cause is shown.

Section 10.2 Administrator The Madison County Zoning Officer through and by the Madison County Planning Director is hereby designated to serve as the Subdivision Administrator.

Section 10.3 Administration Fee and Forms A fee for reviewing and approving minor and major subdivisions shall be established by the County Commissioners and posted in the Zoning Office. The County shall develop, and from time to time revise, forms for the purpose of implementing this Ordinance.

Section 10.4 Penalties for Violation After the effective date of this Ordinance, any person, firm or corporation, being the owner or agent of the owner of land located within the planning jurisdiction of Madison County, who willfully subdivides his land or willfully sells or transfers land by reference to, exhibition of, or any other use of a plat showing a subdivision of land, either of which is in violation of this Ordinance, shall be guilty of a Class 3 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. Madison County through its attorney or other official designated by the Board of County Commissioners may institute civil action against any person, firm or corporation alleged to be in violation of this Ordinance using any legal remedy available to Madison County as provided for by law.

Any person, firm or corporation found guilty of a violation of this Ordinance shall be fined not more than \$500.00, as provided for in G.S. Section 14-4(a).

Section 10.5 Amendments The Madison County Board of Commissioners may amend this Ordinance from time to time as provided for by law. The Board of Commissioners may request the Planning Board for a review and recommendation of any proposed amendment.

Section 10.6 Validity Should any section or provision of this Ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 10.7 Abrogation It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law.

Section 10.8 Real or Existing Pre-Development Review Ordinance This Ordinance in part carries forth by re-enactment some of the provisions of the Pre-Development Review Ordinance of Madison County, previously adopted, and it is not the intention to repeal but rather re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All provisions of the Pre-Development Review Ordinance, which are not re-enacted herein, are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of the Pre-Development Review Ordinance heretofore in effect, which are now pending in any courts of the State of North Carolina or United States of America, shall not be abated or abandoned by reason of the adoption of this Ordinance, but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; and all violations of the existing Ordinance, prosecutions for which have not been instituted, may hereafter be construed to have been abandoned, dismissed, or abated.

Section 10.9 Exemptions of Ordinance Any subdivision which shall have a final plat recorded in the Office of the Register of Deeds of Madison County prior to the effective date of this Ordinance shall be exempt from the provisions of this Ordinance. Further, when a subdivision shall have a final plat of a phase of a proposed subdivision recorded in the Office of the Register of Deeds of Madison County prior to the effective date of this Ordinance, all subsequent phases of said subdivision shall be exempt, provided that the land comprising the subsequent phases shall be contiguous to the original phase for which a final plat was recorded and is owned by the same entity which owned the original phase for which a final plat has been recorded.

Section 10.10 Conduct of Public Hearing Before approving a major subdivision plat, the Planning Board shall conduct a public hearing on the proposed development following the procedures set forth in G.S. 153A-323. The notice for the public hearing must specify the location of the property subject to development and the development uses proposed on the property.

The board may adopt reasonable rules governing the conduct of public hearings, including but not limited to rules (i) fixing the maximum time allotted to each speaker, (ii) providing for the designation of spokesmen for groups of persons supporting or opposing the same position, (iii) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall, and (iv) providing for the maintenance of order and decorum in the conduct of the hearing. The board may continue a public hearing without further advertisement. If a public hearing is set for a given date and a quorum of the board is not then present, the board shall continue the hearing without further advertisement until its next regular meeting.

Section 10.11 Effective Date This Subdivision Control Ordinance shall be in force and effect on and after the 1st day of December, 2007 and amended April 1, 2009.