

Ordinance #2018-10

AN ORDINANCE TO AMEND CHAPTER 32 SUBDIVISION REGULATIONS of the VILLAGE CODE, SECTION 32-3 *DEFINITIONS*, 32-37 *GENERAL PROCEDURES for PLAT APPROVAL*, 32-42 *REVIEW of MINOR SUBDIVISIONS*, and 32-43 *REVIEW of MAJOR SUBDIVISIONS*

THE FOXFIRE VILLAGE COUNCIL ORDAINS:

SECTION 1

Section 32-3 Definitions is amended as follows:

"Subdivision" is amended by changing the word "This" in sub-paragraph (2) to "The" and by adding a new subparagraph (5) as set forth below.

"(5) 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."

Subdivision, minor, is amended to read as follows:

"subdivision, minor means any subdivision that involves no new public streets or roads, no right-of-way dedication, no Village owned utility extension, where the entire tract to be sub-divided is 100 acres or less in size, and where four or fewer lots that are in compliance with the applicable zoning requirements result after the subdivision is completed."

SECTION 2

Change "Subdivision Administrator" to "Zoning Administrator" throughout the entire Chapter.

SECTION 3

Section 32-37 General Procedures for Plat Approval are deleted and re-written as follows:

Sec. 32-37 General procedure for plat approval.

(a) A subdivision of land within the Village or its extra-territorial jurisdiction shall not be filed or recorded until the provisions of this chapter have been met. In particular, no person may subdivide land unless and until a final plat of the subdivision has been approved in accordance with the provisions of this chapter.

(b) The register of deeds shall not file or record a plat of a subdivision of land located within the Village or its extra-territorial jurisdiction unless a final plat has been approved per the provisions of this chapter and is complete with all certifications; nor shall the clerk of superior court record or direct the recording of a plat if the recording would be in conflict with the provisions of this chapter.

(c) Only a plat for recordation is required for the division of a tract or parcel of land in single ownership if all of the following criteria are met:

(1) The tract or parcel to be divided is not exempted per NCGS, Section 160A (a) (2);

(2) No part of the tract or parcel has been divided under this sub-section in the ten years prior to division;

(3) The entire area of the tract or parcel to be divided is greater than five (5) acres;

(4) After division, no more than three lots result from the division; and

(5) After division, all resultant lots comply with the following: (a) any lot dimension size requirements of the applicable zoning district(s); (2) the use of the lots is in conformity with the applicable zoning requirements, if any, and (3) a permanent means of ingress and egress is recorded for each lot.

SECTION 4

Section 32-42 (5), (6), (7), (8), and (10) are amended to read as follows:

(5) Final plat for minor subdivisions

a. Upon approval of the sketch plan by the Zoning Administrator the sub-divider may proceed with the preparation of the final plat in accordance with the requirements of this article. The sub-divider shall submit the final plat, so marked, and the stormwater management plan to the Zoning Administrator who may approve the final plat in accordance with the requirements of this article.

Sub-sections c, d, e and f are re-lettered to b, c, d, and e.

(6) If following review by the Zoning Administrator, the final plat does not meet the requirements of this article, the Zoning Administrator may conditionally approve the plat with modifications to bring the plat into compliance or disapprove the plat with the reasons therefore within 45 days of first consideration of the final plat.

(7) **Add**, "with prior approval of the Village Council" after "surveyor"

(8) **Change** "If" to "When" in the first sentence

(10)**Change** "If" to "When" in the first sentence

SECTION 5

Section 32-43. Review of major subdivisions. Change the first two sentences in the section to read as follows:

"To the extent practicable, review, approval, and permitting actions will take place simultaneously for the same development project. The actions include the following steps:"

SECTION 6

All provisions of any Village ordinance in conflict with this ordinance are repealed.

SECTION 7

The amendments are consistent with applicable elements of the Foxfire Village Land Use Plan, Long Range Plan and existing Zoning, and are reasonable and in the public interest to establish clear and more streamlined procedures for reviewing and approving the minor subdivision of properties within the Village.

SECTION 8

This ordinance shall become effective upon adoption.

Adopted this 13th day of November, 2018.



E.M. McCue, III

Mayor

ATTEST:



Lisa A. Kivett, CMC, NCCMC, CZO

Village Clerk