

Provisions for Gated Subdivisions

A gated subdivision plan shall only be initiated at the request of the petitioner. A gated subdivision shall not be initiated by the Board of Commissioners, Planning Board, or administrative staff.

Procedure

The petitioner shall follow the same subdivision approval procedures as outlined in Article II of the Subdivision Ordinance. All gated subdivisions must be approved by the Board of Commissioners.

In addition, the petitioner shall have the subdivision's restrictive covenants, fee structure and budget breakdown at the time of initial subdivision submittal as well as and incorporated for a limiter liability company. The petitioner must also have a written plan which allows for the perpetual maintenance of all streets in the subdivision. All gated subdivisions must have a homeowners association and annual dues. The petitioner shall also be responsible for obtaining written approval from the Fire Marshall and the Director of Emergency Services before approval from the Board of Commissioners.

Additionally the developer and or builder must provide a notice to buyers of rights and responsibilities on all plats, deeds, covenants. Signage placed at all subdivision entrances shall clearly state that the streets are owned and maintained by the subdivision homeowners association.

Design Standards

Gated subdivisions must follow all design standards set forth in Section III of the Subdivision Ordinance.

All access gates to the subdivision should meet the following criteria.

1. The minimum gate width shall be twenty (20) feet.
2. Gates shall be of the swinging sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department and emergency services. Emergency opening devices shall be approved by the fire code official.
6. Manual opening gates shall not be locked with a padlock or chain and padlock.
7. Locking device specifications shall be submitted for approval by the fire code official.

All gated subdivisions with thirty (30) lots or more must have an additional, separate entrance/exit. Additionally, signs must be placed at each entrance informing all residents and guests that they are traveling on private streets. All street signs within the subdivision must meet NCDOT standards.

Required Improvements

Gated subdivisions must follow all requirements set forth in Section IV of the Subdivision Ordinance.

A. Private Streets In addition to Section 4.13 private streets will be permitted to serve as access within the development ,however, dedication of public streets and other rights of-way or easements may be required if such are indicated on the official plans as adopted by the County Board of Commissioners, a governing body. Public streets and/or the rights of-way or easements or public access over private streets will be required if the Board of Commissioners, NCDOT, or public utility agency determines such are necessary in order to promote the continuity of existing streets or utility systems or otherwise to protect and promote the public health, safety, and welfare.

B. Access to Government Agency In any development where private streets are provided, the developer shall prepare for the Subdivision Administrators approval and record in the County Register of Deeds, a plat of such development indicating all private streets. It shall be indicated on such plat that any governmental agency or personnel or equipment thereof shall be granted perpetual access over all such private streets to accomplish or fulfill any service or function for which the agency is responsible and that any agency or organization designated by a governmental agency to perform a designated function shall also retain access the same as any governmental agency. It shall be indicated on such plat that any agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, rights-of-way or easements.

Guarantee of Required Improvements; Warranty Against Defects

Financial Guarantee in Lieu of Immediate Installation for Approval

In addition to completion of all or any part of the required improvements as described in this Ordinance prior to final plat approval, the County must approve a financial guarantee whereby the subdivider shall agree to complete all required improvements. Once said financial guarantee is approved by the Board of Commissioners and the security required herein is provided, the Final Plat may be approved if all other requirements of this Ordinance are met. As set forth in Section 1.8 of the Subdivision Ordinance, all performance guarantees shall be monitored by and through the Subdivision Administrator. To secure this agreement, the developer shall provide one of, or a combination of, the following guarantees found in Section 5.1 to cover the costs of the proposed improvements:

Warranty Against Defects

Prior to the approval of the final plat or acceptance by the County of any improvements in any subdivision that are dedicated to the County or home owners association, the subdivider shall furnish to the County a written warranty against defects which shall guarantee the material and workmanship for a period of not less than one year from the date of such acceptance. Such warranty shall be accompanied by a financial guarantee payable to the County and/or homeowners association equal to at least ten percent (10%) of the cost of the installation of such improvements as determined by the Board of Commissioners. Such financial guarantee shall be in the form of financial guarantee as provided for in Section 5.1 of this Ordinance.