

## Article 19 Review and Approval Procedures

### 19-30 Exempt Subdivisions

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- (E) The creation of Reserved Conservation Parcels under the requirements of Article 11.Part 2 (Water Supply Watershed Buffers) and Sec. 8-43, Special Requirements in Water Supply Watersheds;
- (F) the division of land into cemetery plots;
- (G) the division of land solely for the purpose of creating lots to be occupied by electrical substations, water towers, community water and wastewater systems, cell towers and similar structures used for public or quasi-public utility purposes, provided no road right-of-way is dedicated; and
- (H) the division of a tract of land resulting solely from public acquisition of land to be used for public road right-of-way.
- (I) 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 NC General Statutes.

*[OA 04/14 May 2, 2005]*

*[Amended 3/19/18 by OA 02-17]*

### 19-30-3 Application Submittal and Acceptance

- (A) The application must include copies of recorded instruments showing the name of the current owner, a complete legal description and plat of the property (including control corners) for which an exemption is requested and all other information deemed necessary by the Planning Director to make a competent determination of the exempt or non-exempt status of the proposed subdivision.
- (B) Following receipt of a complete application for determination of exempt subdivision status, the Planning Director must make a determination of the land division's exempt or non-exempt status.
- (C) Plans must be prepared by a licensed designed professional authorized by the North Carolina General Statutes to perform such work.
- (D) Any application for an exempt subdivision must comply with all applicable provisions of this ordinance that are in effect at the time that final approval is sought. In the event that an applicant withholds resubmittal of the revised application for more than 2 years from the date of the original application, then that submittal must be processed in the same manner as a new submittal, including the payment of a new application fee in accordance with the fee schedule in effect at the time of filing.

### 19-30-4 Staff Review and Action

If the Planning Director determines that the proposed land division does not constitute a subdivision, in accordance with Sec. 8-11 and Sec. 8-12, the Planning Director must certify the proposed land division as exempt and affix the following certificate to the plat:

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I, \_\_\_\_\_, Planning Director and Review Officer of Wake County, certify that this plat does not constitute a subdivision and that it meets all statutory requirements for recording. Because of its "exempt" status, the county has not reviewed this plat for compliance with applicable lot standards and other subdivision regulations (e.g., road standards). Prospective purchasers should be aware that plans for building and development may be denied for lots that do not meet applicable county standards. This approval expires if not recorded before \_\_\_\_\_.

\_\_\_\_\_  
Date Planning Director/Review Officer

**19-31 Minor-Limited Subdivisions**



**19-31-1 Generally**

The minor-limited subdivision approval process requires the Planning Director’s review and approval of a record plat, which, upon recordation with the Register of Deeds, actually creates the proposed lots and easements. No lot proposed to be created through the minor-limited subdivision of a parcel may be sold or offered for sale until a record plat showing the subdivision has been approved by the Planning Director as complying with Section 19-31-2, and has been recorded with the Wake County Register of Deeds.

**19-31-2 Applicability**

The minor-limited subdivision determination procedures of this section apply to the division of a tract or parcel of land in single ownership if all of the following criteria are met:

- (A) The tract or parcel to be divided is not exempted under 19-30-2(B).
- (B) No part of the tract or parcel to be divided has been divided under this subsection 19-31 in the 10 years prior to division.
- (C) The entire area of the tract or parcel to be divided is greater than five acres.
- (D) After division, no more than three lots result from the division.
- (E) After division, all resultant lots comply with all of the following:
  - (1) Any lot size requirements of the applicable land-use regulations, if any.
  - (2) The use of the lots is in conformity with the applicable zoning requirements, if any.
  - (3) A permanent means of ingress and egress is recorded for each lot

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#### 19-31-3 Application Submittal and Acceptance

**(A) Submittal**

A person seeking approval of a record plat for a minor-limited subdivision must submit an application for a minor-limited subdivision record plat approval to the Planning Director.

**(B) Application Contents**

**(1)** The application must:

- (a)** include copies of recorded instruments showing the name of the current owner, a complete legal description and plat of the property (including control corners) for which a minor-limited is requested and all other information deemed necessary by the Planning Director to make a competent determination of the minor-limited determination status of the proposed subdivision.
- (b)** include the property owner's signed authorization for submittal of the application;
- (c)** indicate the site's relationship to adjacent development and improvements;
- (d)** depict the nature and scope of the proposed subdivision and any associated development;
- (e)** identify and depict the boundaries and area of all proposed lots and other parcels;
- (f)** identify and depict the boundaries of all existing and proposed rights-of-way and easements;
- (g)** indicate significant topographical, environmental physical and built features of the subdivision site and surrounding area;
- (h)** show how the subdivision complies with all applicable provisions of this ordinance and all applicable requirements for recording set forth in the North Carolina General Statutes.

**(2)** The Planning Director may waive one or more application submittal requirements by certifying in writing that such information is unnecessary in the particular case to determine compliance with applicable regulations.

**(3)** Plans must be prepared by a licensed designed professional authorized by the North Carolina General Statutes to perform such work.

**(C) Fee**

The applicant must also submit the fee prescribed for the type of application by the Board of Commissioners.

**(D) Acceptance**

**(1)** The Planning Director must review a submitted application to determine whether it includes all of the information required by paragraph 19-31-3(B).

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- (2) If the application does not include all of the information required by paragraph 19-31-3(B) the Planning Director must notify the applicant of the submittal deficiencies and invite the applicant to revise the application to correct the deficiencies.
- (3) If the application includes all of the information required by paragraph 19-31-3(B) the Planning Director must accept the application as complete.

#### **19-31-4 Withdrawal of Application**

An applicant may withdraw an application for minor-limited subdivision record plat approval at any time by submitting written notice of withdrawal to the Planning Director.

#### **19-31-5 Staff Review and Action**

- (A) After accepting an application as complete, the Planning Director must refer it to appropriate staff for review.
- (B) The review staff must review the application, determine whether the record plat complies with all applicable regulations, identify any noncompliant features of the plat, and, whenever feasible, suggest modifications to correct the noncompliant features.
- (C) The Planning Director must notify the applicant of the identified noncompliant features and suggested modifications, and invite the applicant to discuss the review staff comments.
- (D) The Planning Director must make every reasonable effort to process, review, and decide applications for minor-limited subdivision record plat approval in a timely manner, consistent with the need to fully consider the proposed plat's compliance with applicable regulations.

#### **19-31-6 Opportunity to Revise Application**

- (A) Following receipt of the review staff comments and any discussions thereof with the Planning Director, the applicant must either:
  - (1) request that the Planning Director take action on the application as submitted; or
  - (2) notify the Planning Director of an intent to revise the application to address staff comments and submit a revised application to the Planning Director.
- (B) If the applicant submits a revised application, the Planning Director must determine whether it continues to comply with submittal requirements. After accepting a revised application as complete, the Planning Director must refer it to appropriate staff, who must review it for correction of previously identified noncompliant features.
- (C) Any application for a minor-limited subdivision must comply with all applicable provisions of this ordinance that are in effect at the time that final approval is sought. In the event that an applicant withholds resubmittal of the revised application for more than 2 years from the date of the original application, then that submittal must be processed in the same manner as a new submittal, including the payment of a new application fee in accordance with the fee schedule in effect at the time of filing.

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## 19-32 Minor Subdivisions

### 19-31-7 Plat Certification

**(A) Approval**

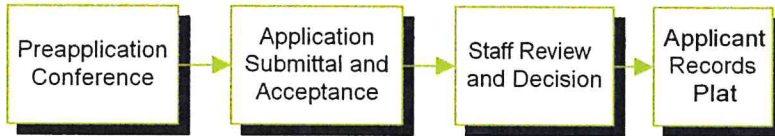
Upon approval of the application, the Planning Director must enter the following certification on the approved record plat;

I, \_\_\_\_\_, Planning Director and Review Officer of Wake County, certify that this plat constitutes a minor-limited subdivision and has been reviewed only to determine compliance with GS 153A-335(c) and that it meets all statutory requirements for recording. Because of its "minor limited" status, the county has not reviewed this plat for compliance with all applicable development standards and other subdivision regulations (including, but not limited to road standards). Prospective purchasers should be aware that plans and/or permits for building and development shall be denied for lots that do not meet all applicable county standards. This approval expires if not recorded before \_\_\_\_\_.

\_\_\_\_\_  
Date                      Planning Director/Review Officer

*(Amended on 3/19/2018 by OA 02-17)*

### 19-32 Minor Subdivisions



#### 19-32-1 Generally

The minor subdivision approval process requires the Planning Director’s review and approval of a record plat, which, upon recordation with the Register of Deeds, actually creates the proposed lots and easements. No lot proposed to be created through the minor subdivision of a parcel may be sold or offered for sale until a record plat showing the subdivision has been approved by the Planning Director as complying with all applicable provisions of this ordinance, and has been recorded with the Wake County Register of Deeds.

#### 19-32-2 Applicability

The minor subdivision procedures of this section may be used only for land divisions that comply with all of the following criteria:

- (A)** creates no more than 3 lots with direct access to a new, existing or extended private road or to an existing public road;
- (B)** does not involve any new public road;
- (C)** does not involve the extension of public wastewater or water lines;
- (D)** does not land-lock or prevent development of the remainder of the parcel or abutting property;
- (E)** does not create any new or residual parcels that do not comply with the requirements of this ordinance or other applicable state or local regulations;
- (F)** is not located, wholly or substantially, in a flood hazard area; and

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**(G)** only one minor subdivision of the parent tract is allowed within any 5-year period.

*OA 04/14 May 2, 2005 (Amended on 3/19/2018 by OA 02-17)*

**19-32-3 Application Submittal and Acceptance**

**(A) Submittal**

A person seeking approval of a record plat for a minor subdivision must submit an application for minor subdivision record plat approval to the Planning Director.

**(B) Application Contents**

**(1)** The application must:

- (a)** include, with sufficient copies for necessary referrals and records, those application forms, maps, plans, and other documents prescribed by the Planning Director;
- (b)** include the property owner's signed authorization for submittal of the application;
- (c)** indicate the site's relationship to adjacent development and improvements;
- (d)** depict the nature and scope of the proposed subdivision and any associated development;
- (e)** identify and depict the boundaries and area of all proposed lots and other parcels;
- (f)** identify and depict the boundaries of all existing and proposed rights-of-way and easements;
- (g)** indicate significant topographical, environmental physical and built features of the subdivision site and surrounding area;
- (h)** be accompanied by an environmental assessment describing plans for any proposed community or wastewater systems;
- (i)** be accompanied by a traffic impact analyses if required pursuant to Sec. 15-12;
- (j)** affect proposed dedications and restrictions; and
- (k)** show how the subdivision complies with all applicable provisions of this ordinance and all applicable requirements for recording set forth in the North Carolina General Statutes.

**(2)** The Planning Director may waive one or more application submittal requirements by certifying in writing that such information is unnecessary in the particular case to determine compliance with applicable regulations.

**(3)** Plans must be prepared by a licensed designed professional authorized by the North Carolina General Statutes to perform such work.