

# **Subdivision Regulations**

Sampson  
County

North Carolina

Adopted – November 1, 1999

Text Revision Update – May 15, 2003

## **ARTICLE I**

### **INTRODUCTORY PROVISIONS**

#### Section 101. Title

This Ordinance shall be known and may be cited as the Subdivision Regulations of Sampson County, North Carolina, and may be referred to as the Subdivision Regulations.

#### Section 102. Purpose

The Purpose of this Ordinance is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of Sampson County. It is further designed to provide for the orderly growth and development of Sampson County: for the coordination of transportation networks and utilities within proposed subdivisions with existing or planned streets and highways with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions that substantially promote the public health, safety, and the general welfare. This Ordinance is designed to further facilitate adequate provision of water, sewerage, parks, schools, and playgrounds, and also to facilitate the further resubdivision of larger tracts into smaller parcels of land.

#### Section 103. Authority

This Ordinance is hereby adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 153A, Article 18, Part 2.

#### Section 104. Jurisdiction

The regulations contained herein, as provided in G.S. 153A, Article 18 shall govern each and every subdivision (herein defined) within Sampson County outside of the jurisdiction of any incorporated municipality, unless expressly excluded from this Ordinance.

#### Section 105. Prerequisite to Plat Recordation (Revised 2/2000)

After the effective date of this Ordinance, each individual subdivision plat of land within Sampson County's jurisdiction shall be approved by the Sampson County Board of Commissioners or the Administrator as provided herein. (Part of Amendment No. 2)

Section 106. Acceptance of Streets

Reserved.

Section 107. Thoroughfare Plans

Where a proposed subdivision includes any part of a thoroughfare which has been designated as such upon the officially adopted thoroughfare plan of Sampson County or its municipalities, such thoroughfare shall be platted by the subdivider in the location shown on the plan and at the width specified in this Ordinance. Where a proposed subdivision includes any part of a public highway, such highway shall be platted by the subdivider and shall be shown or reflected upon the subdivision plat required by this Ordinance.

Section 108. Adequate Public Facilities

To insure public health, safety, and welfare, the Sampson County Planning Board shall review each proposed subdivision to determine if public facilities are adequate to serve the development. The public facilities include, but are not limited to, schools, fire and rescue, law enforcement, and other County facilities. Applicable state standards and guidelines shall be followed for determining whether facilities are adequate. Facilities must be in place within two years of preliminary approval to be considered adequate. The Planning Board may grant partial approval of developments based on limited adequacy.

Section 109. Zoning and Other Plans

Similarly, proposed subdivisions must comply in all respects with the requirements of the zoning Ordinance if in effect in the area to be subdivided, and other officially adopted plans.

## ARTICLE II

### LEGAL PROVISIONS

#### Section 201. General Procedure for Plat Approval (Revised 2/2000)

After the effective date of this Ordinance Amendment No. 2, no subdivision plat of land within Sampson County jurisdiction shall be filed or recorded until it has been submitted to and approved as set forth in Section 105 of this Ordinance, and until this approval is entered in writing on the face of the plat.

The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of Sampson County that has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section.

#### Section 202. Statement of Owner

The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision-regulation jurisdiction of Sampson County.

#### Section 203. Effect of Plat Approval on Dedications

Pursuant to G.S. 153A-333, the approval of a plat does not constitute or effect the acceptance by the County or the public of the dedication of any street or other public facilities shown on the plat nor shall be construed to do so.

#### Section 204. Penalties for Violation

204.1 After the effective date of this Ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this Ordinance, thereafter subdivides his land in violation of this Ordinance or transfers or sells land by reference to exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this Ordinance and recorded in the Office of the Sampson County Register of Deeds, (excepting the presale or pre-leasing of unrecorded lots referencing an approved Preliminary Plat and subject to the requirements of Section 303, shall be guilty of a 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. The County through its attorney or other official designated by the Board of

Commissioners may enjoin illegal subdivision, transfer, or sale of land by action for injunction. Further, violators of this Ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.

- 204.2 The violation of any provision of this Ordinance shall subject the offender to a civil penalty in the amount of \$500.00 to be recovered by Sampson County. Violators shall be issued a written citation, which must be paid within ten (10) days.
- 204.3 Each day's continuing violation of this Ordinance shall be a separate and distinct offense.
- 204.4 Notwithstanding Subsection 204.2 above, this Ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.
- 204.5 The County may cause building permits to be denied for lots that have been illegally subdivided.
- 204.6 Nothing in this section shall be construed to limit the use of remedies available to Sampson County. Sampson County may seek to enforce this Ordinance by using any one, all, or a combination of remedies. In addition to other remedies, the County may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct or abate the violation, or to prevent any illegal act or conduct.

#### Section 205. Separability

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 the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

#### Section 206. Variances

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this Ordinance would cause an unnecessary hardship, the Board of County Commissioners may authorize a variance to the terms of this Ordinance that is absolutely necessary and not to an extent which violate the intent of this Ordinance.

## Section 207. Amendments

The Board of Commissioners may from time-to-time amend the terms of this Ordinance (but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation). The Planning Board shall have sixty (60) days from the time the proposed amendment is submitted to it within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment.

The governing body shall adopt no amendment until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the County at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) nor less than ten (10) days prior to the hearing date. In computing the ten (10) to twenty-five (25) day period, the date of publication is not to be counted, but the date of the hearing is.

## Section 208. Development Moratoria

The County may adopt temporary moratoria on any County development approval required by law. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions.

### 208.1 Notice of Public Hearing

Except in cases of imminent and substantial threat to public health or safety, before adopting an ordinance imposing a development moratorium with a duration of sixty (60) days or any shorter period, the Board of County Commissioners shall hold a public hearing and shall publish a notice of the hearing in a newspaper having general circulation in the area not less than seven (7) days before the date set for the hearing.

A development moratorium with a duration of sixty-one (61) days or longer, and any extension of a moratorium so that the total duration is sixty-one (61) days or longer, is subject to the published newspaper notice and hearing requirements required for an amendment to this ordinance as found in Section 207.

## 208.2 Application of Moratorium on Existing/Pending Permits and Approvals

Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this Section shall not apply to development set forth in a site-specific or phased development plan approved pursuant to a granted vested right, or to development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval, or to preliminary or final subdivision plats that have been accepted for review by the County prior to the call for the public hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the County prior to the call for public hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.

## 208.3 Contents of Ordinance Adopting Moratorium

Any ordinance establishing a development moratorium must expressly include at the time of adoption each of the following:

1. A clear statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the County and why those alternative courses of action were not deemed adequate.
2. A clear statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.
3. An express date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.
4. A clear statement of the actions, and the schedule for those actions, proposed to be taken by the County during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

## 208.4 Extension of Moratorium

No moratorium may be subsequently renewed or extended for any additional period unless the County shall have taken all reasonable and feasible steps proposed to be taken by the County in its ordinance establishing the moratorium to address the problems or conditions leading to the imposition of the moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing or extending a

development moratorium must expressly include, at the time of adoption, the findings set forth in Subsection 208.3, including what new facts or conditions warrant the extension.

208.5 Judicial Review

Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the appropriate division of the General Court of Justice for an order enjoining the enforcement of the moratorium, and the court shall have jurisdiction to issue that order. Actions brought pursuant to this Section shall be set down for immediate hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts. In any such action, the County shall have the burden of showing compliance with the procedural requirements of this Section

Section 209. Abrogation

Reserved.

Section 210. Re-Enactment and Repeal of Existing Subdivision Ordinance

Reserved.

Section 211. Effective Date

This Ordinance shall take effect and be in force from and after the date of its adoption.

Section 212. Adoption

Duly adopted by Sampson County Board of Commissioners, in the State of North Carolina, this the 1st day of November, 1999.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Clerk

(SEAL)

Section 213. Administrator (Revised 2/2000)

The Sampson County Board of Commissioners shall appoint the subdivision ordinance administrator.

**ARTICLE III**

**PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS**

Section 301. Plat Shall Be Required on Any Subdivision of Land Covered by this Ordinance.

Pursuant to G.S. 153A-330, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever any subdivision of land covered by this Ordinance takes place.

Section 302. Approval Prerequisite to Plat Recordation (Revised 2/2000)

Pursuant to G.S. 153A-331, no final plat of a subdivision within the jurisdiction of Sampson County as established in Section 104 of this Ordinance shall be recorded by the Register of Deeds of Sampson County until it has been approved as provided herein. To secure such approval of a final plat, the subdivider shall follow the procedures established in this article.

Plats not requiring approval as defined in Sections 501 and 504, shall be submitted to the Administrator for certification that the final plat is EXEMPT from this ordinance. The following certificate shall be added to such exempt final plats:

- a) Certificate of “No Approval Required.”

*This final plat is exempt from the Sampson County Subdivision Ordinance.  
No approval is required.*

\_\_\_\_\_

*Administrator*

\_\_\_\_\_

*Date*

303. Presale or Pre-lease of Unrecorded Lots Permitted Upon Approval of Preliminary Plan/Plot

303.1 The subdivider, upon approval of a preliminary plan/plat, may enter into contracts to sell or lease the lots shown on the approved preliminary plan/plat, provided that the contract does all of the following:

- 1. Incorporates as an attachment a copy of the approved preliminary plan/plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the approved and recorded final plat prior to closing and conveyance.

2. Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contact, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plans/plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final approved and recorded plat differs in any material respect from the approved preliminary plan/plat.
3. Provides that if the approved and recorded final plat does not differ in any material respect from the plan/plat referred to in the contract the buyer or lessee may not be required by the seller or lessor to close any earlier than five (5) days after the delivery of a copy of the final approved and recorded plat.
4. Provides that if the approved and recorded final plat differs in any material respect from the approved preliminary plan/plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than fifteen (15) days after the delivery of the final approved and recorded plat, during which fifteen (15) day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

303.2 The provisions of this Section shall not prohibit any owner or his/her agent from entering into contracts to sell or lease land by reference to an approved preliminary plan/plat for which a final plat has not been properly approved under this ordinance or recorded with the Office of the Sampson County Register of Deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the requirements of this ordinance and recorded in the Office of the Sampson County Register of Deeds.

Section 304. Procedures for Review of Major and Minor Subdivisions (6/2000)

All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in this section. **Major subdivisions** shall be reviewed in accordance with the procedures in Section 305 through 307. **Minor subdivisions** shall be reviewed in accordance with the provisions in Section 304. 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 procedure. Furthermore, the abbreviated minor subdivision procedure may not be used a second time within three (3) years on any property less than fifteen hundred (1500) 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.

A **minor subdivision** is defined as one involving no new public or private street or roads, or right-of-way dedication, no easements, no utility extension, and contains 5 or fewer lots on one side of a state maintained road (Note: If land is owned on both sides of the state maintained road, up to 5 lots on each side of the road may be approved as a minor subdivision.).

(**Note:** The above paragraph was amended April 21, 2003 to limit the number of lots in a minor subdivision to 5.)

## **MINOR SUBDIVISIONS**

### Section 305. Procedure for Review of Minor Subdivision (Revised 2/2000)

#### 305.1 Preliminary Plan for Minor Subdivisions

Reserved (Repealed 6/2000)

#### 305.2 Final Plat for Minor Subdivisions. (Revised 2/2000)

The subdivider shall submit a minor subdivision final plat, so marked, to the Administrator. Two reproducible copies and one paper copy shall be submitted. The final plat shall contain the required data as listed in Section 308. The minor subdivision final plat shall be prepared by a Registered Land Surveyor or Engineer currently licensed and registered in the State of North Carolina. The minor subdivision final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 and the Standards of Practice for Land Surveying in North Carolina; and, where applicable, the requirements of the Sampson County Register of Deeds. The minor subdivision final plat shall be of a size suitable for recording at a scale of not less than one (1) inch equal to two hundred (200) feet. The minor subdivision final plat may be placed on more than one sheet with appropriate match lines.

Submission of the minor subdivision final plat shall be accompanied by a filing fee of \$50.00.

The Administrator has up to seven (7) working days to review and approve the minor subdivision final plat. If errors or omissions are found, the subdivider shall be informed and the corrections made, and the final plat re-submitted for review a second time.

If the Administrator and subdivider can not resolve a question about the minor subdivision final plat, the Administrator shall forward the final plat and all information to the Planning Board for review and recommendation at the next meeting of the Planning Board. A recommendation from the Planning Board regarding a final plat for a minor subdivision shall be sent to the Sampson County Board of Commissioners for final action; however, if the questions raised can be resolved to the satisfaction of the Administrator at any time during the review, the minor subdivision final plat may be approved for recording.

When approved for recording, the subdivider shall submit the signed minor subdivision final plat to the Sampson County Register of Deeds within ninety (90) days for recording; otherwise a new final plat will have to be submitted. The ninety (90) days starts with the date of the Administrator's signature being affixed to such final plat.

The following certificates shall appear on a minor subdivision final plat in substantially the same form:

a) Certificate of Ownership

*I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the County of Sampson and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.*

\_\_\_\_\_ Date

\_\_\_\_\_ Owner

b) Certificate of Survey and Accuracy

*I, \_\_\_\_\_, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book \_\_\_\_, Page \_\_\_\_, etc.) (other); that the boundaries not surveyed are shown as broken lines plotted from information found in Book \_\_\_\_, Page \_\_\_\_; that this plat was prepared in*

accordance with G.S. 47-30 as amended. Witness my original signature, registration number this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_\_\_.

\_\_\_\_\_  
*Surveyor*

\_\_\_\_\_  
*Registration Number*

c) Certificate of Approval for Recording

*I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the County of Sampson, North Carolina and that this plat has been approved for recording in the Office of the Register of Deeds of Sampson County.*

\_\_\_\_\_  
*Administrator*

\_\_\_\_\_  
*Date*

## **MAJOR SUBDIVISIONS**

Section 306. Reserved

Section 307. Sketch Plan for Major Subdivisions

### 307.1 Number of Copies and Contents

Prior to the preliminary plat submissions, the subdivider shall submit to the Planning Board three (3) copies of a sketch plan of the proposed subdivision containing the following information:

- a) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
- b) The boundaries of the tract and the portion of the tract to be subdivided;
- c) The total acreage to be subdivided;
- d) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
- e) The proposed street layout with approximate pavement and right-of-way width, lot layout and size of lots;
- f) The name, address, and telephone number of the owner;
- g) The name, if any, of the proposed subdivision;

- h) Streets and lots of adjacent developed or platted properties.
- i) The zoning classification (if applicable) of the tract and of adjacent properties;
- j) A statement from the Sampson County Health Department that a copy of the sketch plan has been submitted to them, if septic tanks or other onsite water or waste-water systems are to be used in the subdivision.

#### 307.2 Submission and Review Procedure.

The sketch plan shall be submitted at least 10 working days prior to the Planning Board meeting at which it will be reviewed. The Planning Board shall review the sketch plan for general compliance with the requirements of this Ordinance and the zoning ordinance if applicable; the Planning Board shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats.

One copy of the sketch plan shall be retained as a part of the minutes of the Planning Board with the other copy being returned to the subdivider or his authorized agent.

### Section 308. Preliminary Plat Submission and Review for Major Subdivisions

#### 308.1 Submission Procedure

For every subdivision within the territorial jurisdiction established by Section 104 of this Ordinance, the subdivider shall submit a preliminary plat which shall be reviewed by the Planning Board and approved by the Board of County Commissioners before any construction or installation of improvements may begin. Three copies of the preliminary plat (as well as any additional copies which the subdivision administrator determines are needed to be sent to other agencies) shall be submitted to the administrator of this Ordinance at least 10 working days prior to the Planning Board meeting at which the subdivider desires Planning Board review of the preliminary plat.

Preliminary plats shall meet the specifications in Section 308.

#### 308.2 Review by Other Agencies

After having received the preliminary plat from the subdivider, the subdivision administrator shall submit copies of the preliminary plat and any accompanying material to other officials and agencies concerned with new development including, but not limited to:

- DOT District Engineer's Office
- County 911 Addressing
- Board of Education

### 308.3 Review Procedure

The Planning Board shall review the preliminary plat at or before its next regularly scheduled meeting which follows at least 45 days after the Administrator receives the preliminary plat and the comments from the appropriate agencies.

The Planning Board shall, in writing, recommend approval, conditional approval with recommended changes to bring the plat into compliance, or disapproval with reasons within 45 days of its first consideration of the plat.

If the Planning Board recommends approval of the preliminary plat, it shall retain one (1) copy of the plat for its minutes, and transmit two (2) copies of the plat to the Board of Commissioners with its recommendation.

If the Planning Board recommends conditional approval of the preliminary plat it shall keep one (1) copy of the plat for its minutes, transmit one (1) copy of the plat and its recommendation to the Board of Commissioners, and return the remaining copy of the plat and its recommendation to the subdivider.

If the Planning Board recommends disapproval of the preliminary plat, it shall retain one (1) copy of the plat for its minutes, transmit one (1) copy of the plat and its recommendation to the Board of Commissioners, and return the remaining copy of the plat and its recommendation to the subdivider.

If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat, or appeal the decision to the Board of County Commissioners.

If the Planning Board does not make a written recommendation within 45 days after its first consideration of the plat, the subdivider may apply to the Board of County Commissioners for approval or disapproval.

If the Board of Commissioners approves the preliminary plat, such approval shall be noted on two (2) copies of the plat. One (1) copy of the plat shall be retained by the Board of Commissioners and one (1) copy shall be returned to the subdivider. If the Board of Commissioners approves the preliminary plat with conditions, approval shall be noted on two (2) copies of the plat along with a reference to the conditions. One copy shall be retained by the Board of Commissioners and one (1) copy of the plat along with the conditions shall be returned to the subdivider. If the Board of Commissioners disapproves the preliminary plat, the reasons for such disapproval shall be specified in

writing. One (1) copy of the plat and the reasons shall be retained by the Board of Commissioners and one copy shall be returned to the subdivider.

### Section 309. Final Plat Submission and Review for Major Subdivisions

#### 309.1 Preparation of Final Plat and Installation of Improvements

Upon approval of the preliminary plat by the Board of Commissioners, the subdivider may proceed with the preparation of the final plat, and the installation of, or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this Ordinance. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this Ordinance or guaranteed their installation as provided herein. No final plat will be accepted or review by the Planning Board or the Board of Commissioners unless accompanied by written notice by the County Clerk acknowledging compliance with any applicable improvement or guarantee standards of this Ordinance. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this Ordinance.

#### 309.2 Improvements Guarantees

##### a) Agreement and Security Required

In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the County of Sampson may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Board of Commissioners, if all other requirements of this Ordinance are met. To secure this agreement, the subdivider shall provide, subject to the approval of the County Commissioners, either one, or a combination of the following guarantees not exceeding 1.25 times the entire cost as provided herein. The subdivider shall elect which security or combination of securities that he/she wishes to provide in guaranteeing the installation of improvements. The County shall not have the authority to dictate which form of security will be accepted as an improvement guarantee, and shall be required to offer a range of options of types of improvements guarantees from which the subdivider may chose.

##### 1. Surety Performance Bond(s)

The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bonds shall be payable to the County of Sampson and shall be in an

amount equal to 1.25 times the entire cost, as estimated by the subdivider and approved by the County Commissioners, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the County Commissioners.

## 2. Cash or Equivalent Security

The subdivider shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the County or in escrow with a financial institution designated as an official depository of the County. The use of any instrument other than cash shall be subject to the approval of the County Commissioners. The amount of deposit shall be equal to 1.25 times the cost, as estimated by the subdivider and approved by the County Commissioners, of installing all required improvements. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the County Commissioners an agreement between the financial institution and himself guaranteeing the following:

- (i) That said escrow account shall be held in trust until released by the County Commissioners and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and
- (ii) That in the case of a failure on the part of the subdivider to complete said improvements the financial institution shall, upon notification by the County Commissioners, and submission by the County Commissioners to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the County the funds estimated to complete the improvement up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County.

### b) Default

Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial holding the escrow account shall, if requested by the County Commissioners pay all or any portion of the bond or escrow fund to the County of Sampson up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, the

County Commissioners, in its discretion, may expend such portion of said funds as it deems necessary to complete all improvements.

c) Release of Guarantee Security

The County Commissioners may release a portion of any security posted as the improvements are completed and recommended for approval by Planning Board. Within 45 days after receiving the Planning Board recommendation, the County Commissioners shall approve said improvements. If the County Commissioners approves said improvements, then it shall immediately release any security posted.

### 309.3 Submission Procedure

The subdivider shall submit the final plat, so marked, to the Administrator not less than 10 working days prior to the Planning Board meeting at which it will be reviewed; further, the final plat for the first stage of the subdivision shall be submitted not more than two (2) years after the date on which the preliminary plat was approved; otherwise such approval shall be null and void, unless a written extension of this limit is granted by the Board of Commissioners on or before the sixth month anniversary of the approval.

**(Note:** The above paragraph was amended April 21, 2003 to extend the approval period from six (6) months to two (2) years.)

The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina 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 and the Standards of Practice for Land Surveying in North Carolina.

Five (5) copies of the final plat shall be submitted; two (2) of these shall be on reproducible material; three (3) shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Sampson County Register of Deeds.

The final plat shall be of a size suitable for recording with the Sampson County Register of Deeds and shall be at scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one (1) sheet with appropriate match lines.

Submission of the final plat shall be accompanied by a filing fee of \$100.00. The final plat shall meet the specifications in Section 308 of this Ordinance.

The following signed certificates shall appear on all five (5) copies of the final plat:

a) Certificate of Ownership and Dedication

*I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the County of Sampson and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewer, and water lines to the County of Sampson.*

\_\_\_\_\_

*Owner*

\_\_\_\_\_

*Date*

b) Certificate of Survey and Accuracy

In accordance with G.S. 47-30:

There shall appear on each plat a certificate by the person under whose supervision such survey or such plat was made, stating the origin of the information shown on the plat, including a recorded deed and plat references shown thereon. The ratio of precision as calculated by latitudes and departures before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgements by the registered land surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds. Where a plat consists of more than one sheet, only the first sheet must contain the certification and all subsequent sheets must be signed.

The certificate required above shall included the source of information for the survey and data indicating the accuracy of closure of the plat before adjustments and shall be in substantially the following form:

*"I \_\_\_\_\_, certify that this plat was drawn under my supervision from (an actual survey made under my supervision)*

*(deed description recorded in Book\_\_\_\_, Page \_\_\_\_\_, etc.) (other); that the boundaries not surveyed are shown as broken lines plotted from information found in Book \_\_\_\_\_, Page \_\_\_\_\_; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19\_\_\_\_.*

\_\_\_\_\_  
*Surveyor*

\_\_\_\_\_  
*Registration Number*

- c) 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 County specifications and standards in the \_\_\_\_\_ Subdivision or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the County of Sampson has been received, and that the filing fee for this plat, in the amount of \$\_\_\_\_\_ has been paid.*

\_\_\_\_\_  
*Subdivision Administrator for Sampson County*

\_\_\_\_\_  
*Date*

The Planning Board shall review the final plat at or before its next regularly scheduled meeting which follows at least 45 days after the Administrator receives the final plat. The Planning Board shall recommend approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the final plat with reasons within 45 days of its first consideration of the plat.

During its review of the final plat the Planning Board may appoint a Registered Land Surveyor to confirm the accuracy of the final plat (if agreed to be the County Commissioners). If substantial errors are found, the costs shall not be recommended for approval until such errors have been corrected.

If the Planning Board recommends approval of the final plat it shall retain one (1) copy and transmit all remaining copies of the plat and its written recommendations to the Board of Commissioners through the Administrator.

If the Planning Board recommends conditional approval of the final plat with modifications to bring the plat into compliance, it shall retain one (1) print of the plat for its minutes, return its written recommendations and two (2) reproducible copies of the plat to the subdivider, and transmit one (1) print of the plat and its written recommendation to the Board of Commissioners.

If the Planning Board recommends disapproval of the final plat, it shall instruct the subdivider concerning resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of this Ordinance, and resubmit same for reconsideration by the Planning Board, or appeal the decision to the Board of County Commissioners.

Failure of the Planning Board to make a written recommendation within 45 days shall constitute grounds for the subdivider to apply to the Board of County Commissioners for approval.

If the Planning Board recommends approval or conditional approval with modifications to bring the plat into compliance, or if the subdivider appeals to the Board of County Commissioners, the Commissioners shall review and approve or disapprove the final plat within 45 days after the plat and recommendations of Planning Board have been received by the Administrator.

If the Board of Commissioners approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

*Certificate of Approval for Recording*

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

\_\_\_\_\_  
*Chairman Board of Commissioners*

\_\_\_\_\_  
*Date*

If the final plat is disapproved by the Board of Commissioners, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plat does not comply. One (1) copy of such reasons and one (1) print of the plat shall be retained by the Board of Commissioners as part of its proceedings, one copy of the reasons shall be transmitted to the Administrator, and one (1) copy of the reasons and remaining copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Planning Board and Board of Commissioners, or by the Board of Commissioners as determined by the Board of County Commissioners.

If the final plat is approved by the Board of Commissioners, the original tracing and one (1) print of the plat shall be retained by the subdivider. One (1) reproducible tracing and one (1) print shall be filed with the County Clerk, and one (1) print shall be returned to the Planning Board for its records.

The subdivider shall file the approved final plat with the Register of Deeds of Sampson County within 90 days of Board of Commissioner approval; otherwise such approval shall be null and void.

Section 310. Information to be Contained In or Depicted On Final Plats for Minor Subdivisions and Preliminary and Final Plats for Major Subdivisions.

**The preliminary and final plats shall depict or contain the information indicated in the following table. An x indicates that the information is required.**

	<b><u>PRELIMINARY</u></b>	<b><u>FINAL</u></b>
	<b><u>PLAT</u></b>	<b><u>PLAT</u></b>
➤ Title Block Containing		
Property designation	<b>X</b>	<b>X</b>
Name of owner	<b>X</b>	<b>X</b>
Location (including township, county and State)	<b>X</b>	<b>X</b>
Date or dates survey was conducted and plat prepared	<b>X</b>	<b>X</b>
Scale drawing in feet per inch listed in words or figures	<b>X</b>	<b>X</b>
Bar graph	<b>X</b>	<b>X</b>
Name, address, registration number and seal of the Registered Land Surveyor	<b>X</b>	<b>X</b>
➤ Name of the subdivider	<b>X</b>	<b>X</b>
➤ Sketch vicinity map showing the relationship between the proposed subdivision and surrounding area	<b>X</b>	<b>X</b>
➤ Corporate limits, township boundaries, county lines if on the subdivision tract	<b>X</b>	<b>X</b>
➤ Names, addresses and telephone numbers of all owners, mortgages, registered land surveyors, land planners architects, landscape architects, and professional engineers responsible for the subdivision	<b>X</b>	<b>X</b>
➤ Registration numbers and seals of the professional engineers	<b>X</b>	<b>X</b>
➤ Date of plat preparation	<b>X</b>	<b>X</b>
➤ North arrow and orientation	<b>X</b>	<b>X</b>
➤ Boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown	<b>X</b>	<b>X</b>

- Exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands **X** **X**
- Names of owners of adjoining properties **X** **X**
- Names of any adjoining subdivisions of record or proposed and under review **X** **X**

**INFORMATION**

**PRELIMINARY  
PLAT**

**FINAL  
PLAT**

- Minimum building setback lines **X** **X**
- Zoning classifications of the tract to be subdivided and adjoining properties (if applicable) **X** **X**
- Existing property lines on the tract to be subdivided and on adjoining properties **X** **X**
- Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining **X** **X**
- Proposed lot lines, lot and block numbers, and approximate dimensions **X**
- Lots numbered consecutively throughout the subdivision **X**
- Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds and any other natural features affecting the site. **X**
- Exact location of the flood hazard, floodway and floodway fringe areas from the County's FHBM or other FEMA maps **X** **X**

**STREET DATA**

- Proposed streets **X** **X**
- Existing and platted streets on adjoining properties and in the proposed subdivision **X** **X**

➤ Rights-of-way, location and dimension	<b>X</b>	<b>X</b>
➤ Pavement widths	<b>X</b>	<b>X</b>
➤ Approximate grades	<b>X</b>	<b>X</b>
➤ Design engineering data for all corners and curves	<b>X</b>	<b>X</b>
➤ Typical street cross sections	<b>X</b>	<b>X</b>
➤ Street names	<b>X</b>	<b>X</b>

**INFORMATION**

**PRELIMINARY  
PLAT**

**FINAL  
PLAT**

➤ Street maintenance agreement in accordance with Section 405.1 of this Ordinance	<b>X</b>	<b>X</b>
➤ Type of street dedication. All streets must be designated either “public” or “private.” Where public streets are involved which will not be dedicated to a municipality, the subdivider must submit the following documents to the NC Department of Transportation District Highway Office for review: 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 layout plan (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.	<b>X</b>	<b>X</b>
➤ Where streets are dedicated to public, but not accepted into a municipal or the State system before lots are sold, a statement explaining the status of the street in accordance with Section 405.2 of this Ordinance		<b>X</b>

- If any street is proposed to intersect with a state maintained road, the subdivider shall apply for driveway approval as required by the NC Dept. of Transportation, Division of Highways' Manual on Driveway Regulations. Evidence that subdivider has obtained such approval. **X**

**LOCATION AND DIMENSIONS FOR:**

- Utility and other easements **X** **X**
- Areas to be dedicated to or reserved for public use **X** **X**

**INFORMATION**

**PRELIMINARY PLAT**

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- Areas to be used for purposes other than residential with the purpose of each stated **X** **X**
- 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 **X**

**PLANS FOR UTILITY LAYOUTS INCLUDING:**

- Sanitary sewers **X** **X<sup>1</sup>**
- Storm sewers **X** **X<sup>1</sup>**
- Other drainage facilities, if any **X** **X<sup>1</sup>**
- Water distribution lines **X** **X<sup>1</sup>**
- Natural gas lines **X** **X<sup>1</sup>**
- Telephone lines **X** **X<sup>1</sup>**
- Electric lines **X** **X<sup>1</sup>**

<sup>1/</sup> *Note: required on final plat only for minor subdivisions*

- Illustrating connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains and gate valves **X**
- Plans for individual water supply and sewage disposal systems, if any **X**
- Profiles based upon Mean Sea Level datum for sanitary sewers and storm sewers **X**

**SITE CALCULATIONS INCLUDING:**

- Acreage in total tract to be subdivided **X**
- Acreage in other nonresidential uses **X**
- Total number of parcels created **X**
- Acreage of smallest lot in subdivision **X**

**INFORMATION**

**PRELIMINARY PLAT**      **FINAL PLAT**

- Linear feet in streets
- The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the US Dept. of Interior's National Register of Historic Places **X**
- Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distance for the center line of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute. **X**
- Accurate locations and descriptions of all monuments, markers and control points **X**

- Copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private areas are established. X X
- Copy of erosion control plan submitted to the appropriate authority, if such plan is required X
- Topographic map if required X
- All certifications required in Section 307 (for major subdivisions) X
- Any other information considered by either the subdivider, Planning Board, or County Commissioners to be pertinent to the review of the plat X X

Section 311. Recombination of Land

311.1 Any plat or any part of any plat may be vacated by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.

311.2 Such an instrument shall be approved by the same agencies as approved the final plat. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.

311.3 Such an instrument shall be executed, acknowledged or approved and recorded and filed in the same manner as a final plat; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

311.4 When lots have been sold, the plat may be vacated in the manner provided in Sections 309.1 through 309.3 by all owners of the lots in such plat joining in the execution of such writing.

Section 312. Resubdivision Procedures

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

## ARTICLE IV

### ***REQUIRED IMPROVEMENTS, DEDICATIONS, RESERVATIONS, AND MINIMUM STANDARDS OF DESIGN***

#### Section 401. General

Each subdivision shall contain the improvements specified in this article, which shall be installed in accordance with the requirements of this Ordinance and 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 this article. Each subdivision shall adhere to the minimum standards of design established by this article.

#### Section 402. Suitability of Land

402.1 Land which has been determined by the Board of Commissioners on the basis of engineering or other expert surveys to pose an ascertainable danger to life 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 to eliminate said dangers.

402.2 Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Sampson County Health Department, a structural engineer and a soils expert determine that the land is suitable for the purpose proposed.

#### Section 403. Name Duplication

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Sampson County.

#### Section 404. Subdivision Design

##### 404.1 Blocks

- a) The lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.
- b) Blocks shall not be less than 400 feet or more than 1,800 feet.

- c) Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single tier lots are required to separate residential development from through vehicular traffic or another type of use, in nonresidential subdivisions, or where abutting a water area.
- d) Where deemed necessary by the Board of Commissioners, a pedestrian crosswalk at least fifteen (15) feet in width may be required to provide convenient public access to a public area such as a park or school, to a water area, or to areas such as shopping centers, religious or transportation facilities.
- e) Block numbers shall conform to the County street numbering system.

#### 404.2 Lots

- a) If applicable, all lots in new subdivisions shall conform to any zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning ordinance. It is not sufficient merely for the average lot to meet zoning requirements.
- b) Lots shall meet any applicable requirements of the Sampson County Health Department.
- c) Double frontage lots shall be avoided wherever possible.
- d) Side lot lines shall be substantially at right angles to or radial to street lines.
- e) For 'Flag Lots,' the minimum lot area shall be provided in the 'flag area' portion of the lot. The 'pole area' portion shall not be used to calculate the lot area.
- f) The lot width shall be measured at the building setback line for the front yard. In the case of 'Flag Lots,' the lot width shall be shown with the front yard setback line and all other setback lines contained in the 'flag area.'

**(Note:** This ordinance was amended April 4, 2005 eliminating the chart which provided dimensional requirements for unzoned areas.)

#### 404.3 Easements

- a) Utility Easements

Easements for underground or above ground utilities shall be provided, where necessary, across lots or centered on rear or side lot lines and shall be at least 12 feet wide for water and sanitary sewer lines and as required by the companies involved, for telephone, gas and power lines. The Planning Board will determine whether one (1) easement is sufficient of

whether several easements are necessary to accommodate the various facilities and the subdivider shall provide the required easements.

b) Drainage Easements

Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose.

Section 405. Streets

405.1 Type of Street Required

All subdivision lots shall abut on a public street. All public streets shall be built to the standards of this Ordinance and all other applicable standards of the County and the North Carolina Department of Transportation should such other application standards be more strict than those of this Ordinance. Public streets which are eligible for acceptance into the State Highway System shall be constructed to the standards necessary to be put on the State Highway System and, if more strict, to the standard set out in this Ordinance. Public streets which are not eligible to be put on the State Highway System (because there are too few lots or too residences, etc.) shall, nevertheless, be considered as offered for dedication to the public and those street shall likewise be constructed in accordance with the standards of this Ordinance or the standards necessary to be placed on the State Highway System, whichever is stricter in any particular requirement, so that the street shall be eligible for placement on the State Highway System at some later date when it meets all eligibility criteria. Private streets, although not included on the State Highway System or offered for dedication to the public shall, nevertheless, be constructed in accordance with those standards in this Ordinance or the standards necessary for such private street to be placed on the State Highway System, whichever is more strict in regard to any particular eligibility criteria. In those instances where public or private streets are not on the State Highway System, a written maintenance agreement with acceptable provisions for street maintenance and repair shall be included together with the final plat for approval and no lots fronting on any such street may be sold until this maintenance agreement provision is satisfied.

**(Note:** The ordinance was amended April 21, 2003 eliminating two paragraphs that previously permitted a final plat approval without actually paving the street until 5 lots were sold or two years past whichever was sooner.)

405. 2 Subdivisions Street Disclosure Statement

All streets shown on the final plat shall be designated in accordance with G.S. 136-102.6 and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into a municipal or the

State system, before lots are sold, and statement explaining the status of the street shall be included with the final plat.

#### 405.3 Half-Streets

The dedication of half streets of less than sixty (60) feet at the perimeter of a new subdivision shall be prohibited. If circumstances render this impractical, adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the subdivider. Where there exists a half-street in an adjoining subdivision, the remaining half shall be provided by the proposed subdivision. However, in circumstances where more than sixty (60) feet of right-of-way is required, a partial width right-of-way, not less than sixty (60) feet in width, may be dedicated when adjoining undeveloped property is owned or controlled by the subdivider; provided that the width of the partial dedication is such as to permit the installation of such facilities as may be necessary to serve abutting lots. When the adjoining property is subdivided, the remainder of the full-required right-of-way shall be dedicated.

#### 405.4 Marginal Access Streets

Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.

#### 405.5 Access to Adjacent Properties

Where, in the opinion of the Board of Commissioners, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround provided.

#### 405.6 Nonresidential Streets

The subdivider of a nonresidential subdivision shall provide streets in accordance with I.F-4 of the North Carolina Department of Transportation, Division of Highways' Subdivision Roads, Minimum Construction Standards, Jan. 1999; and the standards in this Ordinance, whichever are stricter in regard to each particular item.

#### 405.7 Design Standards

The design of all streets and roads within the jurisdiction of this Ordinance shall be in accordance with the accepted policies of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals.

The N.C. Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction Standards, Jan. 1999, shall apply for any items not included in this Ordinance, or where stricter than this Ordinance. The following signed certificates shall appear on all copies of the final plat:

a) Certificate of Ownership and Dedication

*I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the County of Sampson and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewer, storm sewer and water.*

#### 405.8 Other Requirements

a) Through Traffic Discouraged on Residential Collector and Local Streets

Residential collector and local streets shall be laid out in such a way that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to places of public assembly.

b) Sidewalks

Sidewalks may be required by the Planning Board on one or both sides of the street in areas likely to be subject to heavy pedestrian traffic such as near schools and shopping areas. Such sidewalks shall be constructed to a minimum width of four (4) feet, and shall consist of a minimum thickness of four (4) inches of concrete. All sidewalks shall be placed in the right-of-way, unless the development is platted as a planned unit or group development.

Sidewalks shall consist of a minimum of six (6) inches of concrete at driveway crossings.

c) Street Names

Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in the county irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of Sampson County.

d) Street Name Signs

The subdivider shall be required to provide and erect street name signs to County standards at all intersections within the subdivision.

e) Permits for Connection to State Roads

An approved permit is required for connection to any existing state system road. This permit is required prior to any construction on the street or road. The application is available at the office of the nearest district engineer of the Division of Highways.

f) Offsets to Utility Poles

Poles for overhead utilities should be located clear of roadway shoulders, preferably a minimum of at least thirty (30) feet from the edge of pavement on major thoroughfares. On streets with curb and gutter, utility poles should be set back a minimum distance of six (6) feet from the face of curb.

g) Wheelchair Ramps

In accordance with Chapter 136, Article 2A, Section 136-44.14, all street curbs in North Carolina being constructed or reconstructed for maintenance procedures, traffic operations, repairs, correction of utilities, or altered for any reason after September 1, 1973, shall provide wheelchair ramps for the physically handicapped at all intersections where both curb and gutter and sidewalks are provided and at other major points of pedestrian flow.

h) Curb and Gutter

The subdivider may construct curb and gutter, but it is not required by this Ordinance for plat approval.

## Section 406. Utilities

### 406.1 Water and Sanitary Sewer Systems

Each lot in all subdivisions within the county's jurisdiction shall be provided with an extension of the county water (and/or sanitary sewer) systems at the subdivider's expense if practical. A subdivision lot in the county's jurisdiction may be provided with extensions to a municipal system in lieu of the County system.

Water and sanitary sewer lines, connections, and equipment shall be in accordance with the County standards.

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 appropriate agencies.

### 406.2 Storm Water Drainage System

The subdivider shall provide a surface water drainage system constructed to the standards of the North Carolina Department of Transportation, as reflected in *Handbook for the Design of Highway Surface Drainage Structures*, 1973), subject to review by the {County Engineer/County Consulting Engineer}.

### 406.3 Street Lights

All subdivisions that have one or more public streets shall have streetlights installed at no more than 300 feet apart along each street. The subdivider is responsible for installation expenses. The long-term maintenance of the streetlights is to be assigned prior to the selling of any lots. (Amended June, 2002 – Changing separation from 200 to 300 feet.)

### 406.4 Underground Wiring

Reserved

## Section 407. Buffering, Recreation and Open space Requirements.

Reserved

## Section 408. Other Requirements

### 408.1 Placement of Monuments

Unless otherwise specified by this Ordinance, *the Manual of Practice for Land Surveying* as adopted by the N.C. State Board of Registration for Professional Engineers and Land Surveyors, under the provisions of Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), shall apply when conducting surveys for subdivisions; to determine the accuracy for survey and placement of monuments, control corners, markers, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

### 408.2 Construction Procedures

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate authorities.

No building, zoning or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this Ordinance until all the requirements of this Ordinance have been met. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the administrator of this Ordinance to provide for adequate inspection. The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work prior to release of the surety.

### 408.3 Oversized Improvements

The County of Sampson may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the County requires the installation of improvements in excess of the standards adopted by reference, the County shall pay the cost differential between the improvement required and the standards in this Ordinance.

### 408.4 Lots Backing to Existing Streets and Highways

Where enough land exists in the proposed subdivision, all lots created shall abut newly created streets and lots will backup to existing streets and highways. All lands owned by the subdivider in the immediate area shall be included when developing the proposed street pattern.

**(Note:** Section 408.4 was added to the ordinance on April 21, 2003 to require developers to limit lots fronting on existing state roads.)

## ARTICLE V

### DEFINITIONS

#### Section 501. “Subdivision Defined”

For the purposes of this Ordinance, “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 are created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing street; but the following shall not be included within this definition nor be subject to any regulations enacted pursuant to this Ordinance:

- a) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in this Ordinance.
- b) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- c) The public acquisition by purchase of strips of land for the widening or opening of streets, or for public transportation system corridors.
- d) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the County as shown in this Ordinance.
- e) Farmstead Subdivision Exemption as follows: A one time, two (2) lot division from a parent parcel of land of at least ten (10) acres where an existing farm house, in useable condition and with a minimum of one-half (1/2) acre of land, is proposed to be sold and the remaining acreage continued in farm use. For the purposes of the section, a note shall be placed on the final plat, acknowledged (signed) by the owner, containing the following: “No habitable structure may be constructed on the farm use lot and no further division of this property is permitted, except in compliance with the Subdivision Ordinance of Sampson county, North Carolina.”

Section 502. Other Definitions.

For the purpose of this Ordinance, certain words or terms used herein shall be defined as follows:

Block. a piece of land bounded on one or more sides by streets or roads.

Building Setback Line. a line parallel to the front property line in front of which no structure shall be erected. Setbacks shall be figured from the right-of-way line.

Dedication. A gift, by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

Easement. A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.

Half-Street. A street whose centerline coincides with a subdivision plat boundary, with one-half (1/2) the street right-of-way width being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts on only one side.

Lot. A portion of a subdivision, or any other parcel of land, intended as a unit of transfer of ownership or for development or both.

Lot of Record. A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Sampson County prior to the 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.

**Lot Types:**

Corner Lot. A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lines to the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

Double Frontage Lot. A continuous (through) lot which is accessible from both streets upon which it fronts.

**Flag Lot.** A lot with a narrow entrance area that leads to a larger lot area that will accommodate the lot area requirements for further improvement. The lot ‘looks’ like a flag on a pole, hence the term ‘Flag Lot.’ The ‘pole’ portion of the lot shall not be less than thirty (30) feet in width along the entire length. The ‘flag’ portion shall be large enough to meet the area and setback requirements as listed in the table under Section 404.2 Lots. Only one (1) flag lot may be approved in a subdivision plan. All land in the “flag lot” is intended to be sold. Other variations must receive a variance from the Board of Commissioners. (Added 12/2000)

**Interior Lot.** A lot other than a corner lot with only one frontage on a street.

**Through Lot** or **Double Frontage Lot.** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

**Reversed Frontage Lot.** A lot on which the frontage is at right angles or approximately right angles (interior angles less than one hundred thirty-five (135) degrees to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot or a through lot.

**Single-Tier Lot.** A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

**Official Maps or Plans.** Any maps or plans officially adopted by the Board of Commissioners.

**Open Space.** An area (land and /or water) generally lacking in man-made structures and reserved for enjoyment in its unaltered state.

**Planned Unit Development.** A definition compatible with the local zoning Ordinance should be inserted here.

**Plat.** A map or plan of a parcel of land which is to be, or has been subdivided.

**Private Driveway.** A roadway serving two (2) or fewer lots, building sites or other division of land and not intended to be public ingress or egress.

**Private Street.** An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. 136-102.6.

Reservation. A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

Street. A dedicated and accepted public right-of-way for vehicular traffic (or a private road only if permitted by this Ordinance). The following classifications shall apply:

### **Rural Roads**

Principal Arterial. A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designed as principal arterials.

Minor Arterial. A rural link in a network joining cities and larger towns and providing intrastate and intercounty service a relatively high overall travel speeds with minimum interference to through movement.

Major Collector. A road which serves major intracounty travel corridors and traffic generators and provides access to the arterial system.

Minor Collector. A road which provides service to small local communities and links locally important traffic generators with their rural hinterland.

Local Road. A local road serves primarily to provide access to adjacent land and for travel over relatively short distances.

### **Specific Type Rural Streets**

Residential Collector Street. A local access street which serves as a connector street between local residential streets and the thoroughfare system. Residential collector streets typically collect traffic from 100 to 400 dwelling units.

Local Residential Street. Cul-de-sacs, loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic from more than 100 dwelling units.

Cul-de-sac. A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.

Frontage Road. A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

Alley. A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Subdivider. Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as here in defined.

### Section 503. Word Interpretation

For the purpose of this Ordinance, certain words shall be interpreted as follows:

Words used in the present tense include the future tense.

Words used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

The word “person” includes a firm, association, corporation, trust, and company as well as an individual.

The word “used for” shall include the meaning “designed for”.

The word “structure” shall include the word “building”.

The word “lot” shall include the words “plot”, “parcel”, or “tract”.

The word “shall” is always mandatory and not merely directory.

### Section 504. Gift Lots Defined

For the purpose of interpreting these regulations, when a parent makes a one-time gift to his/her child of a parcel of land divided from the parent’s property, the transaction shall not be deemed to be for the purpose of sale or building development. The resulting transaction shall therefore not be subject to any regulations enacted pursuant to this Ordinance.

**ARTICLE VI**  
**AMENDMENTS**

Section 404.2 Lots: An amendment request by the Clinton-Sampson Planning Board to amend Section 404.2 of the Sampson County Subdivision Regulations - Amended **April 4, 2005**

Section 102. Purpose – Amended **2/2006**

Section 204.1 – 204.6. Penalties for Violation – Amended **2/2006**

Section 208. Development Moratoria (section added) **2/2006**

Section 303. Presale or Pre-lease of Unrecorded Lots Permitted Upon Approval of Preliminary Plat (section added) **2/2006**

Section 304 – 311 Amended **2/2006**

Section 501 Subdivision Defined – Amended **2/2006**