

## 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 where such subdivision is in the best interest of the public.

#### Section 103. **Authority**

This Ordinance is hereby adopted under the authority and provisions of N.C. Gen. Stat. § (“G.S.”) 160D-801.

#### Section 104. **Jurisdiction**

The regulations contained herein, as provided in G.S. 160D-801, shall govern each and every subdivision within Sampson County outside of the jurisdiction of any incorporated municipality or extraterritorial jurisdiction unless expressly excluded from this Ordinance.

#### Section 105. **Subdivision Applicability**

For the purpose of this Article, subdivision regulations shall be applicable to all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions 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 streets.

#### Section 106. **Exemptions**

Pursuant to G.S. 160D-802, the following actions shall not be included within this definition nor be subject to any regulations enacted pursuant to this ordinance; however, all lots created under

these exemptions must meet the wastewater, area, and setback standards of this ordinance and the Sampson County Zoning 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 resulting lots are equal to or exceed the standards of this ordinance and the Sampson County Zoning Ordinance.
- B. The division of land into parcels greater than 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 2 acres into not more than 3 lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this ordinance.
- E. Family Divisions
  - a. Probated Will Division – the division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.
  - b. Family Subdivision – a division of land for family provided the following standards are met:
    - i. The property must not be in a corporate name (except for family corporations or corporate estate names).
    - ii. The plat must indicate the names of the family members and identify which lots are being conveyed to which family member. The relation of the family member must be noted on the plat. A family member may only be granted a maximum of three lots.
    - iii. The statement “The lot(s) shown are created for the purpose of family ownership” must be noted on the plat. In instances where the division is proposed for deed of trust purposes, the statement shall read: “This plat is intended for deed of trust purposes and not for sale.”
    - iv. Where lots are not adjacent to a public street, an access/utility easement must be shown with a note on the plat stating that the lot is benefited by a permanent easement for access and utilities. The easement must have a minimum width of thirty feet (30 ft.). When a new easement is being established, the grantor must sign a dedication statement located on the plat. A note is required on the plat that a deed of dedication of the easement must be recorded with the Sampson County Register of Deeds.
    - v. It shall be noted on the plat “No additional lots, including the resubdivision of the lots served by the access easement and utility,

shall be permitted unless the access and utility easement is upgraded to meet or exceed the access standards for major subdivisions of the Sampson County Subdivision Ordinance.”

- vi. The owner(s) of record at the time of recordation of the plat shall sign the following statement located on the plat: “The division of land is a family subdivision and is in no way intended to circumvent the provisions of the Sampson County Subdivision Ordinance. The lots shown are to be conveyed to the family members indicated on the plat. In instances where a division is proposed for deed of trust purposes, the second sentence shall read: “This plat is intended for deed of trust purposes and not for sale.”
- vii. When an existing structure is within ten feet (10 ft.) of a required setback it must be shown on the plat with its respective distance.
- viii. There are to be no structures located within any recorded easement for access/utilities.
- ix. Each family subdivision plat shall include the following notes:
  - 1. The existing septic system permit number(s) and the location of the system and repair area. When there is no existing septic permit the surveyor shall include a note that states this fact and indicate an approximate location.
  - 2. A soil scientist may sign the plat or a permit number for a proposed septic system may be included.
  - 3. The surveyor may note that the parcel is being conveyed as forestland or farmland and may be evaluated for septic at a later date before any residence may occupy the property.
- x. When a Family Division is being created for the purpose of creating a Cemetery (Private Family Cemetery) as described in the Sampson County Zoning Ordinance, all requirements listed in the Sampson County Zoning Ordinance shall apply to the creation of the division as well as the following.
  - 1. The family cemetery division plat must note that no structure other than tombstones, mausoleums, or other grave markers may be constructed or placed on the cemetery parcel.
  - 2. The family cemetery division plat must note that the cemetery parcel shall only be used for the purpose of the cemetery.
  - 3. The family cemetery division must be served by a minimum 15’ easement for access and maintenance.

#### F. Easement Plat

An Easement Plat must meet the following criteria:

- a) The plat does not create any new parcels nor does the plat create any new rights of way. The sole purpose of the plat is to create an easement for access to a landlocked parcel of land.

- b) Landlocked parcels served by easements created under the provision of this exemption may not be further subdivided. The only instance in which further subdivision is allowed of the previously landlocked parcel is if a Family Division is performed as described in Section 106(E) or if the land is being divided through the Major Subdivision process, which would constitute the construction of a public NCDOT right-of-way, or a private right-of-way constructed to meet NCDOT standards.
- c) Easements shall be a minimum of 30’.
- d) The plat shall note who is responsible for the maintenance of the easement.
- e) The grantor of the easement must sign a dedication statement located on the plat. A note is required on the plat that a deed of dedication of the easement must be recorded with the Sampson County Register of Deeds.

#### Section 107. Exempt Plat Requirements

Plats that meet one of the exemptions listed in Section 106 shall contain the following.

- A. A signature certification block for the Subdivision Administrator that references which exemption is being executed by the plat; and
- B. A note that states the exemption has not been completed until a deed has been recorded with the Sampson County Register of Deeds that references the Map Book and Page Number of the recorded exempt plat; and
- C. Recombination specific notes – A note must be included indicating which tax parcels are being recombined. Former lot lines must be shown as dashed lines or include in writing next to the line the phrase (former lot line). The total acreage after the recombination must be shown or the acreage of the portion surveyed must be clearly indicated that the surveyed acreage is to be recombined.
- D. Other notes deemed a necessity by the Subdivision Administrator. These shall be notes that contribute to providing clarity to the plat, these notes shall not be required without valid reason.

#### Section 108. **Subdivision Types**

- A. **Major Subdivision** – Any subdivision that does not meet the requirements of a Minor Subdivision or a Service Subdivision.
- B. **Minor Subdivision** – A subdivision involving the division of a tract of land into 10 or fewer lots, including the residual parcel. Each lot must have street frontage along an existing public or private street, where no new street improvements and/or sewer utility extensions are required. In instances where the lots have frontage on an existing private street, documentation that proves there is an existing road

maintenance agreement must be presented with the plat. The Minor Subdivision procedure shall not be permitted to be used to subdivide land from either a residual parcel on which the procedure was previously used in the preceding 5 calendar years, or a resultant parcel created by the Minor Subdivision procedure in the preceding 5 calendar years.

- C. **Service Subdivision** – A subdivision of land where the resultant lot(s) are restricted for specially identified purposes to include, but not limited to, well sites, communication towers, off-site septic systems, private cemeteries, cluster box mail units, and utility substation.
  
- D. **Expedited Minor Subdivision** - Sampson County may only require a plat for recordation for the division of a tract or parcel of land in single ownership if all of the criteria set forth below are met. The review process as outlined in Article IV, Review and Approval Procedures shall apply to Expedited Minor Subdivisions. Lots must comply with dimensional requirements of the Sampson County Zoning Ordinance but are not required to meet the other requirements of these Regulations.
  - a) The subdivision is not considered to be exempt under the 10-acre exemption.
  - b) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to the division.
  - c) The entire area of the tract or parcel to be divided is greater than 5 acres.
  - d) After division, no more than 3 lots result from the division. For example, the division may not create three (3) one (1) acre lots and leave a remaining two (2) acre parcel.
  - e) After division, all resultant lots comply with the following:
    - i. Lot dimension size requirements listed in the Sampson County Zoning Ordinance.
    - ii. The use of the lots is in conformity with the Sampson County Zoning Ordinance.
    - iii. A permanent means of ingress and egress is recorded for each lot.

#### Section 109. **Subdivision Administrator**

The Director of Planning and Zoning and/or his designee is hereby appointed to serve as Subdivision Administrator.

#### Section 110. **Technical Review Committee**

For the purpose of ensuring that Major and Minor Subdivisions have been thoroughly reviewed, a Technical Review Committee (TRC) has been established to assist in the plan review process. The TRC may be comprised of the following members (indicated A-E below) and agency representatives but is not limited to these members. If the Subdivision Administrator deems it is necessary to include an agency that is not listed in the review process, they have the authority to do so. The Subdivision Administrator may also decide that an agency's comments are not relevant

to a proposal and is not required to send the agency a plan.

- A. NCDOT
- B. Board of Education
- C. Sampson County Environmental Health
- D. Sampson County Public Works
- E. Sampson County Emergency Services
- F. Sampson County Economic Development Commission

The Subdivision Administrator shall serve as the Chairman of the TRC. When deemed necessary, the Subdivision Administrator may schedule a meeting to discuss a proposed plan with the TRC members. TRC members are expected to provide the Subdivision Administrator with any comments they may have within 7 days of them receiving the plans.

#### **Section 111. Adequate Public Facilities**

To ensure 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.

#### **Section 112. Zoning & Other Adopted 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**

No subdivision plat of land within the County's jurisdiction shall be filed or recorded until it has been submitted to and approved by the Subdivision Administrator. The Subdivision Administrator must only approve a Final Plat if it has received Preliminary review from the Planning Board and Preliminary approval from the Governing Board.

The Register of Deeds shall not file or record a plat of 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, except in those cases where the subdivision is exempted by G.S. 160D-802(a)(5).

#### **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. 160D-806, the approval of a plat does not constitute or effect automatic acceptance by any public or private entity of the dedication of any street, land, utility line, or other public land or facility shown on the plat. Until such time of acceptance, these areas shall remain reserved for such intended use as indicated on the approved plat and maintained by the developer.

### **Section 204. Development Approvals and Determinations**

Pursuant to G.S. 160D-403, no person shall subdivide or install infrastructure and/or improvements upon land with preliminary approval for subdivision without obtaining a development approval from the Subdivision Administrator or the Governing Board. The development approval must be provided to the applicant in either print or electronic format. If electronic form is used to provide the applicant with notice of approval, then it must be protected from further editing. Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for a development approval for such development as is authorized by the easement. Development approvals run with the land as stated in G.S 160D-104. In the event the development approval is revoked the process outlined in G.S. 160D-403(f) must be followed.

Pursuant to G.S. 160D-403(b), the determination shall give written notice to the owner of the property that is the subject of the determination and to the party who sought the determination if different from the owner.

### **Section 205. Word Interpretation**

For the purpose of these regulations, certain words shall be interpreted as follows:

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number the plural and words used in the plural number include the singular unless the natural construction of the wording indicates otherwise.
- C. The words “regulation(s)” and “ordinance” may be used interchangeably.
- D. The word “person” includes a firm, association, corporation, trust and company as well as an individual.
- E. The words “subdivider” and “developer” may be used interchangeably.

- F. The words “used for” shall include the meaning “designed for”.
- G. The word “structure” shall include the word “building”.
- H. The word “lot” shall include the words “plot”, “parcel”, or “tract”.
- I. The words “plat” and “plan” are inclusive of one another.
- J. The words “shall” and “must” is always mandatory.
- K. The words “could” and “should” are not mandatory but are recommended.
- L. Words used to identify on gender shall be interpreted as including all genders.

**Section 206. Violations, Remedies & Penalties**

- 206.1 After the effective date of this Subdivision Regulation, any person who, being the owner or agent of the owner of any land located within the planning and development regulation of Sampson County, thereafter subdivides his land in violation of this regulation or transfers or sells land by reference to exhibition of, or any other use of a plat showing the subdivision of the land before the plat has been properly approved under the terms of this regulation and recorded in the Office of the Sampson County Register of Deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other documents 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 Governing Board may enjoin illegal subdivision, transfer, or sale of land by action for injunction.
- 206.2 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.
- 206.3 Each day’s continuing violation of this Ordinance shall be a separate and distinct offense.
- 206.4 This Ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.
- 206.5 The County may cause building permits to be denied for lots that have been illegally subdivided.
- 206.6 Nothing in this section shall be construed to limit the use of remedies available to Sampson County. Sampson County may seek to enforce this regulation by using anyone, 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 207. Severability**

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 208. Conflicts of Interest**

No staff member shall make a final decision on an administrative decision if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest, the decision shall be assigned to the supervisor of the staff person. No staff member shall be financially interested in or employed by a business that is financially interested in a development unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his duties or with the interest of the local government, as determined by the local government.

**Section 209. Variances**

The Planning Board may approve a variance from the standards of this Ordinance when it finds the special circumstances or conditions exist that are unique to the land for which the variance is applied for. The regulations outlined in G.S. 160D-302 shall apply when the Planning Board, which sits as the Board of Adjustment, is hearing a variance request from the Subdivision Ordinance.

The Planning Board shall make a positive finding on all of the following in order to grant a Variance from the regulations of the Subdivision Ordinance.

- A. Unnecessary hardship would result from the strict application of the Subdivision Ordinance. It is not required to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- B. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the area, may not be the basis for granting a variance.
- C. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge circumstances exist that may justify the granting of a variance will not be regarded as a self-created

hardship.

- D. The requested variance is consistent with the spirit, purpose, and intent of the Subdivision Ordinance, such that public safety is secured, and substantial justice is achieved.

#### Section 210. **Appeals**

Appeals of subdivision decisions must be made pursuant to the provisions of G.S. 160D-1403.

Pursuant to G.S. 160D-405, the Planning Board will hear and decide appeals of final decisions by the Subdivision Administrator to approve or deny final subdivision plats, and of any allegation that there is an error in any written order, requirement, decision, interpretation or determination made by the Subdivision Administrator in the application and enforcement of these regulations. Appeals to the Planning Board may be initiated by any person aggrieved or affected by any written decision of the Subdivision Administrator. For purposes of this subsection, an “aggrieved or adversely affected party” means any person that will suffer an adverse effect to an interest protected or furthered by these regulations. The adverse interest may be shared in common with other members of the community at large but must exceed in degree the general interest in community good shared by all persons.

The time period to file for an appeal shall be 30 days, if the determination notice is sent by mail then it must be presumed that the notice is received on the third business day after it is sent per G.S. 160D-405(c).

During the period of an appeal, all enforcement actions including fines must pause per G.S. 160D-405.

In the event the Subdivision Administrator who made the administrative decision is no longer employed with Sampson County, his successor must appear as witness in the appeal per G.S. 160D-406.

The provisions of G.S. 160D-302 shall apply to the procedure of the Planning Board when hearing an appeal.

The final written decision of the Planning Board on any appeal authorized by these regulations may be further appealed to the Superior Court of Sampson County in accordance with G.S. 160D-1403(b).

#### Section 211. **Amendments**

Pursuant to G.S. 160D-601(a), the Governing Board may from time-to-time amend the terms of these regulations (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). A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days

nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

**Section 212. Abrogation**

It is not intended that these regulations repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits that have been previously adopted or issued pursuant to law.

**Section 213. Effective Date**

This Ordinance was originally adopted and became effective on November 1, 2000, and any amendments to this Ordinance became and/or shall become effective as of the date of their adoption, unless otherwise indicated.

**ARTICLE III**

**DEFINITIONS**

Words defined in this section shall have the meaning assigned to them. Terms not defined herein but defined in the Sampson County Zoning Ordinance shall be given the meaning assigned to them in the Zoning Ordinance. Words not defined in either ordinance shall use the definition found in Webster's New World College Dictionary or another Ordinance that has been officially adopted by the Governing Board.

**Building Setback Line(s)** – Lines parallel to the property lines which no structure may be built or placed.

**Common Open Space** – A parcel or parcels of land, or an area of water, or a combination of both land and water, within the site designated for development and designed and intended for the use and enjoyment of residents of the development or for the general public, not including streets or off-street parking areas. Common Open Space shall be substantially free of structures but may contain such improvements as are in the plan as finally approved and are appropriate for the benefit of residents of the development.

**Corner Lot** – A lot located at the intersection of two (2) or more streets.

**Dedication** – A proposed unilateral and perpetual offer of a gift by the owner to the County or other public entity of property or easement for a specified purpose or purposes. Because a transfer of property rights is entailed, dedications must be made by written instrument and clear notation on a subdivision plat. For purposes of all subdivisions approved under these regulations, where property is dedicated to a public use on a plat, the County or other designated public entity may unilaterally elect to accept the dedication at any time of its convenience and until such time of acceptance the property shall be undeveloped and reserved for such public use.

**Developer** – A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

**Development** – Any of the following:

- a) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b) The excavation, grading, filling, clearing, or alteration of land.
- c) The subdivision of land as defined in GS 160D-802
- d) The initiation or substantial change in the use of land or the intensity of use of land.

**Development Approval** – An administrative or legislative approval made pursuant to these regulations that is written and required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include but are not limited to plat approvals.

**Double Frontage Lot** – A (through) lot which has both front and rear lot lines on a street and/or proposed right-of-way.

**Driveway** – An entrance/exit access to an approved public/private street designed to serve vehicular traffic.

**Easement** – A grant by the property owner of a strip or portion of land for a specified purpose or use by the public, a corporation, or person(s).

**Flag Lot** – An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by a “pole” consisting of a narrow strip of land. The “flagpole portion” of the lot must be a minimum of 30 feet. The lot width shall be measured in the “flag” portion of the lot. The “flag” portion of the lot must be a minimum of 3 acres. A subdivision may only contain one flag lot.

**Frontage Road** – A road located on the interior of a subdivision and located in front of a tier of lots running parallel to an exterior road to provide access to the tier of lots fronting on the exterior road.

**Interior Lot** – A lot other than a corner lot with only one (1) frontage on a street.

**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 Width** – The straight-line distance between the points where the building setback line intersects the two side lot lines.

**Official Maps or Plans** – Any maps or plans officially adopted by the Governing Board,

a municipality within Sampson County, the State of North Carolina or other applicable official body as a guide for development, consisting of maps, charts, and texts.

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

**Shared Septic System (Off-Site)** – A septic system that has received approval from Sampson County Environmental Health that serves two (2) or more dwelling units.

**Reservation** – A reservation of land does not involve any current transfer of property rights. Reservations constitute an obligation to keep property free from development in perpetuity or for a stated period of time.

**Service Common Space** – Areas reserved for specific uses other than open space such as off-site septic, parking areas, cluster box mail units, stormwater BMP's (Best Management Practices) and other related utilities that are to be maintained by an HOA (Homeowners Association) or public/private entity.

**Street** – A public or private thoroughfare, which affords the principal, means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, any other thoroughfare, except an alley.

- a) **Alley** – An access set aside primarily for vehicular service access to the back or side of properties otherwise abutting a public street.
- b) **Cul-de-sac** – A short street having one end permanently closed with a circular or other approved vehicular turnaround provided.
- c) **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.
- d) **Major Collector** – A road which serves major intracounty travel corridors and traffic generators and provide access to the arterial system.
- e) **Minor Arterial** – A rural link in a network joining cities and larger towns and providing intrastate and intercounty service at relatively high overall travel speeds with minimum interference to through movement.
- f) **Minor Collector** – A road which provides service to small local communities and links locally important traffic generators with their rural hinterland.
- g) **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.
- h) **Residential Collector Street** – A local access street which serves as a connector street between local residential streets and the thoroughfare system.

**Subdivider** – The division of land for the purpose of sale or development as specified in

GS 160D-802. Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as here in defined.

**Subdivision Administrator** – The individual appointed to administer the provisions of this ordinance.

**Technical Review Committee** – The committee chaired by the Subdivision Administrator that is charged with assisting them in their review of proposed subdivisions.

## **ARTICLE IV**

### **REVIEW AND APPROVAL PROCEDURES**

#### **Section 401. Minor Subdivision and Service Subdivision Review**

A subdivider for a Minor Subdivision and Service Subdivision plat approval shall complete the steps outlined below in order to record a final plat.

- A. Subdivider shall submit a complete application and plan (application requirements listed on application and plat requirements listed in Section 503).
- B. The Subdivision Administrator shall distribute the application and plan to the Technical Review Committee (TRC) for review and comment. Within 10 working days of the application submittal, the Subdivision Administrator shall provide a summary of the TRC comments to the subdivider.
- C. Following the subdivider's receipt of the comments, the subdivider has 30 days to submit a revised plan (if any revisions were needed). Failure to submit a revised plan within the 30-day period authorizes the Subdivision Administrator to deny the application and a full resubmittal is required.
- D. The Subdivision Administrator shall inform the subdivider of approval or denial within 5 days of receiving the revised plan.
- E. If approval has been granted, the subdivider shall submit the mylar for recordation within 90 days of approval. Failure to submit an approved plat for recordation within 90 days shall render the plat null and void.

#### **Section 402. Major Subdivision Review**

##### **402.1 Sketch Plan**

Prior to the submission of a Preliminary Plat, the subdivider shall submit a Sketch Plan for the proposed subdivision for the Planning Board to review and approve.

- A. Subdivider shall submit a complete application and plan (application requirements listed on application and plan requirements listed in Section 501).
- B. The Subdivision Administrator shall distribute the application and plan to the Technical Review Committee (TRC) for review and comment. If the Subdivision Administrator determines that a meeting between the subdivider and TRC members is necessary, he may establish a meeting date at which the subdivider will receive the TRC comments. If the Subdivision Administrator elects to not hold a TRC meeting, within 10 working days of the application submittal, the Subdivision Administrator shall provide a summary of the TRC comments to the subdivider.
- C. Following the subdivider's receipt of the TRC comments, the subdivider has 7 days to submit revised plans to the Subdivision Administrator. The subdivider is to submit 8 copies of a revised plan. The Subdivision Administrator will inform the subdivider of the plan size needed for the Planning Board meeting.
- D. The Sketch Plan will be reviewed by the Planning Board at its regularly scheduled meeting and the Planning Board will vote on whether to approve or deny the Sketch Plan.
- E. If the Sketch Plan is approved, the approval is valid for a 12-month period. The subdivider must submit a Preliminary Plan within this time period, or they will be required to resubmit a sketch plan. The approval of a Preliminary Plan for any portion of the Sketch Plan vests the Sketch Plan.
- F. A revised Sketch Plan will be required when there has been an increase in density (increase in lots), street layout changes, and or utility service changes. The revised Sketch Plan undergoes the same review process as a Sketch Plan.

#### **402.2. Preliminary Plan**

Following the approval of a Sketch Plan, and prior to the installation of any improvements,

the subdivider shall submit a Preliminary Plat for the proposed subdivision for the Planning Board to review and the Governing Board to approve.

- A. Subdivider shall submit a complete application and plan (application requirements listed on application and plan requirements listed in Section 502).
- B. The Subdivision Administrator shall distribute the application and plan to the Technical Review Committee (TRC) for review and comment. If the Subdivision Administrator determines that a meeting between the subdivider and TRC members is necessary, he may establish a meeting date at which the subdivider will receive the TRC comments. If the Subdivision Administrator elects to not hold a TRC meeting, within 10 working days of the application submittal, the Subdivision Administrator shall provide a summary of the TRC comments to the subdivider.
- C. Following the subdivider's receipt of the TRC comments, the subdivider has 7 days to submit revised plans to the Subdivision Administrator. The subdivider is to submit 15 copies of a revised plan. The Subdivision Administrator will inform the subdivider of the plan size needed for the Planning Board meeting.
- D. The Preliminary Plan will be reviewed by the Planning Board at its regularly scheduled meeting and the Planning Board will vote on whether to recommend approval or denial of the Preliminary Plan.
- E. If the Planning Board recommends approval of the Preliminary Plan, it will then be heard by the Governing Board. The Governing Board will vote on whether to approve or deny the Preliminary Plan.
- F. If the Preliminary Plan is approved, the approval is valid for a 24-month period. Preliminary Plan approval allows the subdivider to begin installing infrastructure and improving the land provided all State permits have been secured by the subdivider. The recordation of a final plat for any portion of the Preliminary Plan vests plan approval. If the subdivider fails to record a final plat within the 24-month period, the Preliminary Plan is considered to be expired and a new Sketch Plan submittal shall be required.
- G. A revised Preliminary Plan will be required when there has been an increase in density (increase in lots), street layout changes, and or utility service changes. The revised Preliminary Plan undergoes the same review process as a Preliminary Plan.
- H. Pre-sale of lots that have received Preliminary Plan approval must comply with the requirements outlined in G.S. 160D-807(b) and G.S. 160D-807(c).

### 402.3 Final Plat

The Subdivision Administrator shall review and approve the Final Plat. The Subdivision Administrator must only approve a Final Plat when it is consistent with the approved Preliminary Plan and all required documentation and State permits or financial guarantees have been provided to the Subdivision Administrator.

- A. Subdivider shall submit a complete application and plan (application requirements listed on application and plan requirements listed in Section 503).
- B. The Subdivision Administrator shall distribute the application and plan to the Technical Review Committee (TRC) for review and comment. Within 7 working days of the application submittal, the Subdivision Administrator shall provide a summary of the TRC comments to the subdivider for any changes needed for the Final Plat.
- C. Following the subdivider's receipt of the comments, the subdivider has 30 days to submit a revised plan (if any revisions were needed). Failure to submit a revised plan within the 30-day period authorizes the Subdivision Administrator to deny the application and a full resubmittal is required.
- D. The Subdivision Administrator shall inform the subdivider of approval or denial within 5 days of receiving the revised plan. Failure of the Subdivision Administrator to render a decision in the specified time shall constitute approval of the Final Plat. The notice of approval shall include the amount needed for the financial guarantee (if necessary) and any required documents or State permits that have not yet been submitted by the subdivider.
- E. If approval is granted, the subdivider shall submit a mylar for recordation, financial guarantees (if necessary), and any other required documents or State permits within 60 days of approval. Failure to record an approved plat within 60 days shall render the plat null and void.

## ARTICLE V

### SUBMITTAL REQUIREMENTS

The following standards shall apply to submittals made pursuant to this ordinance herein and shall be in addition to all other general application requirements and fees established by the Governing Board.

#### Section 501. Sketch Plan Requirements

The following shall be required on all Sketch Plan submittals:

1. Proposed subdivision name, north arrow, and graphic scale.
2. A vicinity map showing the location of the proposed subdivision in relation to neighboring tracts, subdivisions and waterways.
3. Name(s) and mailing addresses of property owner(s), developer, surveyor, engineer, and land planner
4. Fire District.
5. Location of existing property lines, buildings, streets, railroads, cemeteries, septic systems, wells, bridges, culverts, watercourses, transmission lines, sewers, drainpipes, water mains, public utility easements, township, and municipal boundaries.
6. Site data to include total acreage in tract, acreage in parks or other open space, average lot size, smallest lot size, total number of lots, zoning of the tract and linear feet in streets.
7. The boundaries of the tract(s) to be subdivided with all the bearings and distances shown and the portion to be subdivided.
8. Zoning classifications of the tract and adjoining properties.
9. Municipal limits and County boundaries.
10. The names and owners of adjoining properties and the names of adjoining subdivisions.
11. The existing and proposed land use within the proposed subdivision and adjoining parcels.
12. General locations of proposed lots, utility easements (storm and sanitary sewer, water, gas, electricity, and telephone) and access easements.

13. Lots numbered consecutively throughout the subdivision.
14. Location of reserved and dedicated public rights-of-way for access and utilities for adjoining parcels that do not have access to a public street.
15. The name and location of any property or buildings within or adjacent to the subdivision that is located on the National Register of Historic Places.
16. Proposed areas for parks, schools or open spaces to include areas reserved for such use.
17. Location and labeling of any regulated floodplain boundary and floodway, including community panel number.
18. Location of wetlands.
19. Location of proposed streets (and designation as public or private), street names, rights-of-way, and pavement widths, to include location of stub streets to adjacent properties.
20. Location of proposed stormwater BMP's to include limits of mining areas, if applicable
21. Location of existing or proposed shared or off-site drain field areas or wastewater systems if separate from the lot which the field or system is to support to include approximate location of supply lines and accessways.

#### Section 502. **Preliminary Plan Requirements**

The following shall be required on all Preliminary Plan submittals:

1. Proposed subdivision name, north arrow, and graphic scale.
2. A vicinity map showing the location of the proposed subdivision in relation to neighboring tracts, subdivisions and waterways.
3. Name(s) and mailing addresses of property owner(s), developer, surveyor, engineer, and land planner
4. Fire District.
5. Location of existing property lines, buildings, streets, railroads, cemeteries, septic systems, wells, bridges, culverts, watercourses, transmission lines, sewers, drainpipes, water mains, public utility easements, township, and municipal

boundaries.

6. Site data to include total acreage in tract, acreage in parks or other open space, average lot size, smallest lot size, total number of lots, zoning of the tract and linear feet in streets.
7. Zoning classifications of the tract and adjoining properties.
8. Municipal limits and County boundaries.
9. The names and owners of adjoining properties and the names of adjoining subdivisions.
10. The existing and proposed land use within the proposed subdivision and adjoining parcels.
11. General locations of proposed lots, utility easements (storm and sanitary sewer, water, gas, electricity, and telephone) and access easements.
12. Proposed lot lines and approximate dimensions.
13. Lots numbered consecutively throughout the subdivision.
14. Location of reserved and dedicated public rights-of-way for access and utilities for adjoining parcels that do not have access to a public street.
15. The name and location of any property or buildings within or adjacent to the subdivision that is located on the National Register of Historic Places.
16. Proposed areas for parks, schools or open spaces to include areas reserved for such use.
17. Location and labeling of any regulated floodplain boundary and floodway, including community panel number.
18. Location of wetlands.
19. Contour map with intervals of at least two feet.
20. Location of proposed streets (and designation as public or private), street names, rights-of-way, and pavement widths, to include location of stub streets to adjacent properties.
21. Proposed streets and sidewalks.
22. Location of common areas to include cluster box mail units, bus stops, amenity

centers, trails and open space.

23. Utility plans for and locations of sanitary sewers, storm sewers, drainage, water distribution lines, natural gas lines, communications lines, and electric lines.
24. Utility easements for sanitary sewers, storm sewers, drainage, water distribution lines, natural gas lines, communication lines, and electric lines.
25. Location of proposed stormwater BMP's to include limits of mining areas, if applicable.
26. Location of proposed stormwater BMP easements.
27. Location and details of existing (if not proposed to be eliminated) or proposed shared or off-site drain fields or wastewater systems if separate from the lot which the field or system is to support to include supply lines and accessways.
28. Location of existing (if not proposed to be eliminated) or proposed shared or off-site drain field sites or wastewater system sites and/or easements if separate from the lot which the field or system is to support to include supply line and accessway easements.
29. Locations and detail for any required buffer areas.
30. Locations of easements of any required buffer area.

#### Section 503. **Final Plat**

The following shall be required on all Final Plat submittals.

1. Proposed subdivision name, north arrow, and graphic scale.
2. A vicinity map showing the location of the proposed subdivision in relation to neighboring tracts, subdivisions and waterways.
3. Name(s) and mailing addresses of property owner(s), developer, surveyor, engineer, and land planner
4. Fire District.
5. Location of existing property lines, buildings, streets, railroads, cemeteries, septic systems, wells, bridges, culverts, watercourses, transmission lines, sewers, drainpipes, water mains, public utility easements, township, and municipal boundaries.
6. Site data to include total acreage in tract, acreage in parks or other open space,

average lot size, smallest lot size, total number of lots, zoning of the tract and linear feet in streets.

7. Zoning classifications of the tract and adjoining properties.
8. Municipal limits and County boundaries.
9. The names and owners of adjoining properties and the names of adjoining subdivisions.
10. Sufficient data to determine readily and reproduce on the ground, the location, bearing, and lengths of every lot, shared or off-site septic system, street rights-of-way, boundary line, easement and block line, whether curved or straight. This should include the radius, central angle, and tangent distance for curved streets and curved property lines that are not the boundary of curved streets.
11. Accurate location and description of all monuments and markers.
12. Lots numbered consecutively throughout the subdivision.
13. Lot numbers circled and addresses in rectangular boxes.
14. Location of reserved and dedicated public rights-of-way for access and utilities for adjoining parcels that do not have access to a public street.
15. The name and location of any property or buildings within or adjacent to the subdivision that is located on the National Register of Historic Places.
16. Proposed areas for parks, schools or open spaces to include areas reserved for such use.
17. Location and labeling of any regulated floodplain boundary and floodway, including community panel number.
18. Location of wetlands.
19. Location of proposed streets (and designation as public or private), street names, rights-of-way, and pavement widths, to include location of stub streets to adjacent properties.
20. Location of common areas to include cluster box mail units, bus stops, amenity centers, trails and open space.
21. Utility easements for sanitary sewers, storm sewers, drainage, water distribution lines, natural gas lines, communication lines, and electric lines.

22. Location of proposed stormwater BMP easements.
23. Location of existing (if not proposed to be eliminated) or proposed shared or off-site drain field sites or wastewater system sites and/or easements if separate from the lot which the field or system is to support to include supply line and accessway easements.
24. Location of easements of any required buffer areas.

#### Section 504. **Required Plat Notes**

These notes are required on all final plats. The Subdivision Administrator may waive the requirement of certain notes if not applicable.

##### **Wetlands**

This tract is not subject to 404 wetlands and/or other areas of environmental concern. **OR.** Prospective buyers are cautioned that portions of the lots shown on this plat are restricted in use by wetlands and waters jurisdiction pursuant to the US Army Corps of Engineers Section 404 regulations. Individual lot reviews to ensure compliance with their Federal laws and regulations are encouraged. Verification of location and restrictions should be made prior to individual lot development.

##### **Flood Zone Note**

This tract is/is not located within a Special Flood Hazard Area. Provide panel number, effective date, and flood zone when located within a Special Flood Hazard Area.

##### **Easement Maintenance**

Maintenance for easements outside of NCDOT rights-of-way are the responsibility of the property owner and/or property owner's association. No structure shall be located within any recorded easement.

##### **Shared Wastewater Systems**

In the event where a homeowner's/property owner's association has not accepted responsibility and maintenance of a shared offsite wastewater system, the responsibility shall be that of the developer and owner jointly or as otherwise documented in a recorded agreement.

##### **Sight Distance Easements**

Sight distance easements shown hereon shall remain free of any obstruction to include trees, shrubbery and signs with the exception of utility poles, fire hydrants, and traffic control signage.

## Utility Easements

No structure or vegetation (except grass) may be located within utility easement.

## Wastewater

- A. When lot(s) are served by a subsurface system, a note specifying the type of system(s) and the permitting authority, the corresponding lot numbers for individual septic systems, individual septic with off-site systems and/or repair areas, multi-user systems and/or engineered option systems.
- B. When Engineered Option Systems are proposed, the following note must be on the plat. *An Engineered Option Septic System is designed and permitted by a licensed engineer and plans are submitted to Environmental Health where the record is filed; all inspections and any subsequent repairs are overseen by the engineer of record with reporting of such to Environmental Health.*

## Septic Easements

Septic easements shall remain free of structures, fences, landscaping (other than grass) or any activities that would interfere with the integrity and maintenance of the easement.

## Section 505. Documents Required

The following documents are required to be submitted to the Subdivision Administrator before the Final, Minor, and Service Plat can be approved and signed for recordation. The Subdivision Administrator may waive certain requirements if they are not applicable.

1. Articles of Agreement
2. Improvement Permits for each lot served by a septic system or a Soil Scientist signature on the Final Plat.
3. Erosion Control and Stormwater Permits from the State of North Carolina
4. NCDOT Basic Letter or Performance Guarantee.
5. Water line approval from the State of North Carolina or Performance Guarantee.
6. Copies of any homeowners/property owners association documents, deed restrictions, or similar covenants as applicable.
7. Complete cost estimates for all required improvements that have not been installed.
8. If proposed infrastructure has an impact on 404 wetlands, approval permit documentation is needed from the United States Army Corps of Engineers.

9. Other information as deemed applicable by the Subdivision Administrator.

**Section 506. Required Plat Certification Statements**

The following statements shall appear on all Final Plats as applicable. This includes Final Plats for Major and Minor Subdivisions as well as Service Subdivisions. The wording of the statements listed below is subject to change over time as agency policy is subject to change.

- 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) G.S. 47-30 Certifications

Certificate of Survey Accuracy, Certificate of Review Officer, Register of Deeds Certificate - This certificate shall meet all requirements outlined in G.S. 47-30 as applicable to the specific subdivision being shown.

- c) Certification of Soil Scientist (if Improvement Permits haven't been provided with Final Plat submission)

*I, \_\_\_\_\_, certify that I am a licensed soil scientist in the State of North Carolina and have evaluated this subdivision and found that the soils within this subdivision are suitable to accommodate the subsurface wastewater disposal system needs of each of the lots depicted hereon.*

\_\_\_\_\_  
*Signature*

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

- d) Certification for Engineered Option Septic Systems

*I, \_\_\_\_\_, certify that I am a licensed engineer in the State of North Carolina and have evaluated the soil report from the Licensed Soil Scientist who has signed this plat, who found that the soils within this subdivision have been determined suitable to accommodate the subsurface wastewater disposal of each lot depicted on this plat. Prior to the issuance of building permits, I shall submit the septic plan and*

permits for each lot shown on the plat to the Sampson County Environmental Health Department.

---

Signature

Date

e) NCDOT Street Disclosure Statement

*All streets depicted in this subdivision have been offered to the State of North Carolina for dedication to public use, but these streets have not been accepted into the NCDOT road maintenance system. The streets in this subdivision must go through a process in order for the streets depicted in this subdivision to be included in the NCDOT road maintenance system. Following the construction of the streets shown in this subdivision, the developer is responsible for petitioning NCDOT for the addition and acceptance of the streets depicted in this subdivision into the NCDOT road maintenance system. All NCDOT requirements must be met before the streets depicted in this subdivision can be added into the NCDOT road maintenance system.*

North Carolina Department of Transportation  
Division of Highways

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District Engineer

f) Private Street Statement

*All streets hereon are intended for private use and have been identified for conveyance to a homeowners/property owners association for the subdivision. The developer shall be responsible for street maintenance until such streets are conveyed to the homeowners/property owner's association in a recorded deed. In the event that the homeowners/property owners association becomes inactive or is dissolved, the property owners will be responsible for the maintenance and upkeep of the private streets and no public entity nor Sampson County will assume responsibility of the streets depicted in this subdivision.*

---

Owner

Date

g) Sampson County Public Works

*I, \_\_\_\_\_, hereby certify that the plans and specifications for this subdivision have been reviewed and accepted by Sampson County Public Works.*

*Signature*

*Date*

- h) Sampson County Planning & Zoning

*I hereby certify that this subdivision plat shown hereon has been found to comply with the Subdivision Regulations of Sampson County and that this plat has been approved for recording in the Sampson County Register of Deeds Office. The filing fee for this plat is \$\_\_\_\_\_.*

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*Subdivision Administrator*

*Date*

## ARTICLE VI

### SUBDIVISION DESIGN STANDARDS

Each subdivision shall contain the design standards 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 developed by this article.

#### Section 601. **Suitability of Land**

- a) Land which has been determined, 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.
- b) Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Sampson County Environmental Health Department, a structural engineer and a soil scientist determine the land is suitable for the purpose proposed.
- c) All subdivisions shall be designed to minimize the potential to flood damage and shall conform to any applicable standards outlined in the Sampson County Flood Ordinance.

#### Section 602. **Name Duplication**

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Sampson County. Sampson County 911 addressing will make the determination on subdivision names. The names of public and private streets shall not duplicate nor closely approximate the name of an existing street within Sampson County. Street names that could cause

confusion due to numerical words included within the street name shall not be allowed.

**Section 603. Consistency with Official Plans & Ordinances**

Proposed subdivisions shall comply in all respects with the requirements of the Sampson County Zoning Ordinance and shall be consistent with all officially adopted plans, including but not limited to the Sampson County Land Use Plan.

**Section 604. Lot Design**

- a) Side lot lines shall be substantially at right angles to or radial to street lines.
- b) 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. An average of all lots within the subdivision meeting the minimum lot size is NOT permissible.
- c) Lots shall meet any applicable requirements of Sampson County Environmental Health.
- d) Double frontage lots shall be avoided where possible.
- e) Lot width shall be measured at the building front setback line, the minimum width of the front lot line (line fronting on public or private street) is allowed to be a minimum of 60' for lots located on a cul-de-sac. In instances where the front lot line (line fronting on public or private street) does not meet the minimum width requirement outlined in the Sampson County Zoning Ordinance, the lot width must be shown at the front setback line on the final plat.
- f) No lot shall extend into any portion of a public or private right-of-way.
- g) There is no minimum lot size for lots that are subdivided as a Service Subdivision.
- h) See "Flag Lot" definition.

**Section 605. Block Design**

- a) The lengths, widths, and shapes of blocks should be designed so as to provide for adequate building sites suitable for the proposed development and meeting the applicable zoning requirements; safe and efficient vehicular and pedestrian circulation; avoiding negative impacts of environmentally sensitive areas and for allowing convenient access to water areas.
- b) Blocks shall have a 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 non-residential subdivisions where abutting a water area.

- c) Blocks shall not be less than 400 feet or more than 1,200 feet.

**Section 606. Access Requirements**

- a) All newly created lots and parcels shall have direct access to a public or private street. Multi-family and non-residential lots may be created with access provided to a private parking area.
- b) Major subdivisions shall be served by one or more internal access streets that are served by a common point of access, subject to the secondary access requirements of Section 608.2 of these Subdivision Regulations. Major subdivision lots shall not have frontage along a public street in the NCDOT road maintenance system.

Minor subdivisions may have up to five (5) driveways that access an existing public or private street, subject to the standards of the NCDOT. In instances where a minor subdivision has more than five (5) lots that access any one (1) public or private street, one or more shared driveway will be required, such that the minor subdivision does not have more than five (5) driveways that access an existing public or private street.

The driveway and access provisions of these Subdivision Regulations are intended to establish the maximum allowable number of access points for major or minor subdivision and shall at all times be subject to the driveway and subdivision standards promulgated by NCDOT. In the event that NCDOT determines that fewer driveways and/or access points are necessary in order to prevent undue impairment of safety, mobility, and utility of the highway, NCDOT's determination shall prevail and control.

- c) In instances where newly created lots will be accessed from an internal street, there shall be no direct access from the newly created lot onto an existing public or private right-of-way.
- d) When a subdivision is proposed to connect to an existing adjoining private street that is under separate homeowners/property owner's association ownership, the subdivider must provide documentation that supports the newly created lots having a legal right to be served by the existing private street.
- e) In instances where gates, barriers, and access management systems are used, Sampson County Emergency Services must be provided with all access codes and or keys so that they have access to the subdivision.

**Section 607. Easements and Rights-of-way**

- a) Utility Easements - Easements for underground or above ground utilities shall be centered on rear or side lot lines or located parallel to the street rights-of-way and shall be at least 15 feet wide for water and sanitary sewer lines and as required by the companies involved, for telephone, gas and power lines. The Planning Board

may determine whether one easement is necessary or if multiple easements are needed to accommodate the various facilities.

- b) **Drainage Easements** – stormwater easements shall be required to facilitate adequate drainage along streams and other watercourses as well as any stormwater BMP's.
- c) **Septic System Easements** – easements for off-site septic systems must be established and comply with any requirements placed upon them by Sampson County Environmental Health.
- d) **Future Access Easements** – the reservation and dedication of future rights-of-way shall be required to provide access to adjoining properties in locations where it appears a roadway could be constructed to promote neighborhood interconnectivity. In instances where there are wetlands or other environmental factors that would make this a financial burden to the subdivider this requirement shall be waived by the Governing Board.
- e) **Reserve Easements** – Reserve easements or strips of land adjoining street rights-of-way or adjacent property lines for the purpose of preventing street or utility access to an adjacent property shall NOT be permitted under any circumstance.

## Section 608. **Streets**

- 608.1 **Access to Adjacent Properties** – Where Future Access Easements are required, the street shall be constructed to the extent of the property line and a temporary cul-de-sac that satisfies the requirements of Sampson County Emergency Services shall be installed. Where Future Access Easements have been platted and constructed on adjacent properties, the subdivider of the adjacent land shall plat and dedicate a right-of-way that joins the existing Future Access Easement on the adjacent land.
- 608.2 **Secondary Access** – In an effort to promote public safety in Sampson County, proposed residential subdivisions containing more than thirty (30) building lots shall be required to provide a second point of access to the external street for Emergency Services access. A public or private right-of-way is preferred to meet this requirement, however the minimum requirement to satisfy this portion of the Ordinance shall be a twenty foot (20 ft.) all weather access easement that has breakaway bollards or another type of access management system. This is not expected to be a full access, just an emergency access.
- 608.3 **Public Streets** – Public streets shall be designed and constructed to comply with the North Carolina Department of Transportation (NCDOT) Subdivision Roads; Minimum Standards. Once a street has been recorded as a public street on a plat, the street may not revert to the status of a private street. The developer shall proactively make efforts to have the street accepted into the NCDOT road maintenance system.

608.4 **Private Streets** – Private streets must be designed and constructed to comply with the North Carolina Department of Transportation (NCDOT) Subdivision Roads; Minimum Standards. In subdivisions containing private streets, the subdivider shall deed the maintenance of the private streets to the homeowners/property owner’s association as well as a private street disclosure statement shall be included on the final plat. Private streets shall be paved at a minimum width of 20 feet (20 ft.). Private streets connecting with a state-maintained street require a driveway permit from NCDOT that must be submitted to Sampson County. Private streets may not be used as a through street connecting two state-maintained streets unless permitted by NCDOT to do so.

- **Private Street Construction Standards** – private streets and parking access areas for multi-family and mixed-use subdivisions shall be constructed to meet the minimum NCDOT standards for the type of street proposed. Street construction and testing shall be performed in accordance with NCDOT “Standard Specifications for Roads and Structures”, latest edition, 2003 Hot Mix Asphalt Specifications and Manual, and “Quality Management Systems Maintenance Version”, and shall report the testing and/or core locations, test method, results and DOT allowable range or tolerance, as applicable. Subgrade shall be tested for density and shall be proof rolled by the testing Engineer or the Engineer or Surveyor who will issue the Final Certificate. Base and pavement shall be tested for density and thickness. Testing for pavement shall be certified by either a professional Engineer or properly certified QMS technician and shall be in accordance with QMS criteria. The minimum densities shall be as follows: Subgrade 100%, Stone Base 100%, SF 9.5A 90%, S 9.5B 92%. The Engineer or Surveyor must be notified of each phase of construction so that the proper testing can be completed. All culverts under streets shall be per NCDOT Specifications, unless otherwise approved by the Governing Board. Adequate road drainage and provisions shall be made to protect the integrity of the constructed street system and such construction shall be certified by a licensed surveyor or engineer.

608.5 **Non-Residential Streets** – the streets in a non-residential subdivision shall be designed and constructed to meet NCDOT standards for the respective type of non-residential street proposed. When non-residential streets are private and not proposed to be dedicated as public, engineer certifications are required to be provided certifying that the streets have been designed and constructed to meet the minimum NCDOT requirements prior to recordation of a Final Plat or a Performance Guarantee may be posted in its place. Where not otherwise reserved and dedicated to public use, all such streets shall be described in a recorded easement for the benefit of all appurtenant properties and shall allow egress, access, and installation of utilities for public use.

608.6 **Design Standards (All Streets)**

- **Street Pavement Width** – public and private streets must have a minimum

paved width of twenty feet (20 ft.). NCDOT can require a greater width in cases where public streets are present. Cul-de-sacs must have a minimum paved radius of forty feet (40 ft.).

- **Right-of-way** – public and private rights-of-way shall comply with NCDOT requirements for the type of street that is proposed.
- **Street Layout** – internal streets within a subdivision shall be designed to promote interconnectivity to adjoining properties and in a fashion that is grid or looped. When practical, efforts to have two points of access are preferred.
- **Intersections** – Intersections shall be aligned when practical and offset intersections are to be avoided. In instances where it is not practical to align an intersection, it is preferred to have a minimum of 300 feet separating the rights-of-way. Intersections shall comply with any additional NCDOT requirements when applicable.
- **Sight Distance Easements** – the easements as recommended or required by NCDOT, shall be shown on the Final Plat and a note shall be included that states easements shall remain free of all structures, trees, shrubbery, signs, utility poles, fire hydrants, and traffic control signs. The Governing Board may waive this requirement if the subdivider is able to provide valid reason for failure to provide such easement.
- **Cul-de-sacs** - the use of cul-de-sacs shall be limited when practical. It is recognized that certain environmental features and site design issues may require the use of a cul-de-sac in order to reasonably develop certain properties. Cul-de-sacs shall not be used in an effort to avoid connection with an existing public or private street. The maximum distance from the centerline of an intersection to the center point of a cul-de-sac shall be no greater than 1,500 feet. A stub out street may be used as an intersection provided that the stub out street was constructed as part of the infrastructure for the subdivision. Cul-de-sacs shall have a circular right-of-way of a minimum of 100 feet in diameter. The Governing Board may approve an alternate means of turnaround that is listed in the NCDOT Subdivision Road Minimum Construction Standards.
- **Alleys** - shall be required to serve lots used for commercial and industrial purposes except that this requirement may be waived when other acceptable provisions have been made for service access. The width of any alley shall be at least 20 feet. Dead end alleys shall be avoided when possible but if unavoidable an adequate turnaround shall be provided.
- **Street Name and Traffic Control Signs** – the subdivider shall provide, and erect public and private street name and traffic control signs designed in accordance with NCDOT standards at all intersections within the subdivision. Permanent street signs shall be in place before the Final Plat is approved or signs shall be included in the cost estimate for incomplete infrastructure. Sign maintenance shall be included in the homeowners/property owner’s association covenants in instances where the streets are private.
- **Driveway Permits** – NCDOT driveway permits are required for any street

proposed to connect to a NCDOT maintained road.

- **Bridges** – all bridges on public and private streets shall conform with the requirements of NCDOT and for bridges constructed on private streets, an Engineer certification letter is required.
- **Sidewalks** – The Governing Board may require sidewalks when they deem them to be in the best interest of the public. If required, sidewalks shall be constructed to a minimum width of 4 feet and shall consist of a minimum thickness of 4 inches of concrete. All sidewalks shall be placed in the right-of-way or appropriate easement. Sidewalks shall consist of a minimum of six inches of concrete at driveway crossings. In accordance with ADA requirements, all street curbs for public and private streets shall provide wheelchair ramps at all intersections.

## Section 609. Utilities

609.1 **Water & Sewer Supply** – each lot in a subdivision shall be provided with an extension to the Sampson County water system and/or sewer or a municipality water system and/or sewer when available at the subdividers expense. In instances where there is an existing water and/or sewer main within 800 feet of the subdivision, the subdivider is required to provide County or municipal water and/or sewer service to the subdivision. All lots in subdivisions not connected to municipal or County water and/or sewer systems must have a suitable water and/or sewer source that complies with the requirements of Sampson County Environmental Health.

609.2 **Individual Septic** – the subdivider shall submit an improvement permit issued by Sampson County Environmental Health for each lot to be created or provide a Soil Scientist Certification on the Final Plat. It must be noted on the plat that the lots are served by individual septic systems.

609.3 **Off-Site Septic** - off-site septic areas for individual systems or off-site septic areas for shared systems shall be shown on the Preliminary Plan as well as the Final Plat.

- Supply lines, access roads, and permanent markers shall be installed as part of the infrastructure improvements for the subdivision. Any clearing and grading involved in preparing the off-site areas shall be included in the improvement cost.
- Off-site septic systems and access easements shall be designed and located in a manner that avoids damaging any existing septic systems. Supply lines shall be parallel to and within 15 feet of road rights-of-way unless such placement is not possible because of a physical obstruction, including but not limited to a stream, culvert, or existing structure. When an off-site drain field and its corresponding repair area is on separate parcel of land, the supply lines to the repair area and the initial drain field shall be installed as

part of the infrastructure of the subdivision.

- Access easements for off-site septic areas shall be a minimum of 20'. These easements shall contain an adequate staging area for any repair equipment and materials. The easement shall be improved in all weather fashion to a minimum of 8' centered on the centerline of the access easement. The easement shall also include a turnaround to accommodate a turning radius of 28'. Per written approval from Sampson County Environmental Health, the easement may be smaller than 20' if Environmental Health is able to justify a smaller easement will be adequate for the type of system(s) proposed.
- The corners of each drain field and repair area of each off-site septic system shall be marked with permanent property markers set in concrete and extending to a height of at least one foot above grade. Such markers shall consist of corrosion-resistant and mold-resistant materials and shall display the lot and section number of the lot served by the drainfield and repair areas. Examples of such markers, include, but are not limited to, four-by-four inch treated wooden posts set in concrete at a height of at least one foot above grade and displaying the lot and section number of the lot served by the off-site system in aluminum, brass, or stainless steel lettering. Where a drain field and its corresponding repair area abut one another, markers are required only at the corners of the combined area that includes both the drain field and the repair area. A note shall be included on the final plat identifying which lot(s) are served by off-site septic systems.
- A note is required on the Final Plat that states off-site septic areas and off-site septic access easements are to be maintained by a homeowners/property owners association and a maintenance agreement is to be recorded with the Sampson County Register of Deeds that addresses the maintenance of these areas. A copy of the deed is to be provided to the Subdivision Administrator with Final Plat submittal.

609.4 **Community Sewer** – if a subdivision is developed using an off-site drain field, a community sewer system, area wide system, multi-user remote system or any other form of off-site sewer treatment facility, a disclosure of the type of system proposed, and its ownership shall be submitted with the sketch plan. All other necessary and appropriate local and state documentation shall be presented with the Final Plat.

#### Section 610. **Erosion Control**

When one or more acres is to be disturbed, an erosion control permit must be obtained from the State of North Carolina. A copy of this permit shall be submitted to the Planning Department prior to Final Plat approval and no construction activity shall commence until such permit is obtained.

### Section 611. **Stormwater Management**

All subdivisions shall be designed and constructed in a manner that is compliant with NCDEQ requirements as applicable. All NCDEQ permits including but not limited to an Erosion and Sedimentation Control permit must be provided with the Final Plat.

Where stormwater management facilities are required, but not installed at the time of the Final Plat approval, the subdivider shall post a Performance Guarantee to ensure the completion of such facilities. When the facility has been completed the County will require an Engineer's certification to release the guarantee back to the subdivider. Maintenance of the stormwater facility shall be deeded to a homeowners/property owners association and this shall also be noted on the Final Plat.

### Section 612. **Dams**

Any proposed dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law of 1967 and the North Carolina Administrative Code, Title 15, Subchapter 2K.

### Section 613. **Wetlands**

The location of any Section 404 wetlands shall be surveyed and delineated on the Preliminary and Final Plat. The US Army Corps of Engineers is not required to sign the Final Plat however the County does require documentation from the USACE verifying the presence of wetlands. Applicable plat statements listed in these Subdivision Regulations are required.

### Section 614. **Cluster Box Mail Units**

Preliminary Plans and Final Plats shall include the location of the cluster box mail units if required by the United States Postal Service. A letter of exemption must be provided from the USPS in order to not install a cluster box mail unit. Cluster box mail units shall be on a separate parcel.

### Section 615. **Multi-Family Subdivisions**

Subdivisions proposed for multi-family, townhouse and condominium development shall adhere to the density requirements outlined in the Sampson County Zoning Ordinance and all other applicable requirements outlined in the Zoning Ordinance. The subdivision process for Multi-Family Subdivisions shall comply with all standards set forth for Major Subdivisions in these regulations. The following documents are also required to be presented prior to subdivision approval.

- All documents as required by law (NC Condominium Act)
- All homeowners/property owner's association documents outlining maintenance and upkeep of streets, common areas, parking areas, etc.

## ARTICLE VII

### PERFORMANCE GUARANTEES

Pursuant to G.S. 160D-804.1, Sampson County requires that Performance Guarantees be posted in the event that certificates of completion cannot be provided to ensure that required improvements have been successfully completed.

#### Section 701. **General Requirements**

No Final Plat shall be approved until all improvements identified in Article VI, not including individual septic systems, have been constructed and documents certifying completion have been presented to the Subdivision Administrator, or in lieu of such construction and document certification, the applicant has provided the Subdivision Administrator a Performance Guarantee equal to the estimated cost to complete all unfinished improvements plus 15 percent. A detailed cost estimate is required to be provided by the subdivider to determine the guarantee amount. The Performance Guarantee shall be a surety bond issued by any company authorized to do business in North Carolina, a letter of credit issued by any financial institution licensed to do business in North Carolina, or another form that provides equivalent security to a surety bond or a letter of credit such as a cash or certified check. Sampson County shall be named as the beneficiary of the funds.

#### Section 702. **Articles of Agreement**

All financial guarantees shall be accompanied by the Articles of Agreement which defines what is being guaranteed by such Performance Guarantee, and the circumstances under which default occurs. The agreement is to be signed by the subdivider and the Subdivision Administrator on behalf of Sampson County. The agreement shall include a completion date not exceeding one year from the Final Plat approval date. In the case of a bond, the completion date shall be one year from the date of bond issuance.

- **Performance Guarantee Extension** – If the improvements have not been completed by the completion date outlined in the Articles of Agreement the Performance Guarantee may be extended for an additional period determined by the Governing Board.

#### Section 703. **Cost Estimate**

The subdivider is to provide a detailed cost estimate for incomplete infrastructure. The cost estimate is to include 100% of the costs of labor and material necessary for completion of the required improvements. The costs shall be based on unit pricing. Sampson County reserves the right to conduct its own cost estimate study in the event that the subdivider provides a incomplete cost estimate. If an incomplete cost estimate is provided the subdivider will be required to comply with the cost estimated by Sampson County.

#### **Section 704. Performance Guarantee Release**

The Performance Guarantee shall be returned or released, as appropriate, in a timely manner upon receipt of documentation that certifies the completion of any incomplete infrastructure that was included in the cost estimate. The subdivider may present to the Subdivision Administrator written document requesting the full release or partial release of the Performance Guarantee. In instances where a partial release is requested the Subdivision Administrator shall review a revised cost estimate that shows the items have been completed and release the funds back to the subdivider as appropriate. Documentation that certifies completion must also be provided by the subdivider to support the release of any funds.

Public streets require an NCDOT Basic Letter that indicates which streets or phases of a subdivision have met the minimum NCDOT road construction requirements. The subdivider is still expected to actively pursue having the roads accepted into the NCDOT road maintenance system.

Private streets require a certification letter and test results from an Engineer that confirm the requirements outlined in Article VI for private streets have been met.

**ARTICLE VIII**

**ARTICLES OF AGREEMENT**

ARTICLES OF AGREEMENT

These Articles of Agreement, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, (year) by and between \_\_\_\_\_, hereinafter referred to as Subdivider, and the People of the County of Sampson, North Carolina, by their Board of County Commissioners, and their Planning Board, hereinafter referred to as Sampson County.

WITNESSETH:

1. In consideration of the approval by Sampson County of the plat for the subdivision known as \_\_\_\_\_ in accordance with the Subdividers proposal submitted herewith, the Sampson County Subdivision Regulations as enacted by the Board of County Commissioners of Sampson County and said Subdivision Regulations are incorporated into this Agreement by this reference and made a part thereof.

2. Subdivider agrees to complete all improvements so specified prior to plat approval or to provide financial guarantees to Sampson County for such improvements in a form acceptable to the County in accordance with the provisions of Article VII of the Subdivision Ordinance on the date of plat approval. The County, its agents or assigns, are hereby given the right to enter onto the property and take whatever actions may be necessary to enforce the provisions of the Sampson County Subdivision Ordinance or this Agreement to include, if necessary, the right to complete improvements or satisfy other obligations regarding the completion of incomplete infrastructure within the subdivision.

3. It is mutually agreed that the time of completion by the Subdivider shall be an essential part of this Contract, any failure of the Subdivider to complete incomplete infrastructure in accordance with the Sampson County Subdivision Regulations and the approved preliminary plat and according to the completion schedule herein contained, shall be cause for forfeiture of the guarantees to Sampson County. Notwithstanding any provision herein, the Sampson County Board of Commissioners shall have authority to extend the time of compliance upon demonstration by the Subdivider that unforeseen or unusual circumstances exist.

4. Completion Schedule:

Starting Date	Completion	Cost
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		Date	Estimate
Water System	_____	_____	_____
Streets	_____	_____	_____
Sewer System	_____	_____	_____
Signs	_____	_____	_____

5. The Subdivider hereby agrees to proactively make an effort in good faith to have completed streets added into the NCDOT road maintenance system when the road residency requirements have been met. The Subdivider also agrees to transfer the maintenance of private streets to a homeowner/property owners association for long term road maintenance.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Subdivider:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Subdivision Administrator

## 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

Section 304- Article III Amended 3/2019

Section 501-Article V Amended 3/2019

Chapter 160D Amendments 05/2021

Section 106 D Amendment 12/2021 – portion relocated to Section 108, now “Expedited Minor Subdivision.

Section 106 E Amendment 12/2021 – Private Family Cemetery language introduced.

Section 106 F Amendment 12/2021 – Easement Plat Exemption introduced.

Section 606(b) Amendment 4/2023- Access Requirements- Shared Driveway requirement on a Minor Subdivision.