

**SUBDIVISION REGULATIONS**  
**OF**  
**HARNETT COUNTY, NORTH CAROLINA**



---

**Adopted April 4, 1977**  
Amended through July 19, 2010

# TABLE OF CONTENTS

<b>ARTICLE I. GENERAL PROVISIONS .....</b>	<b>3</b>
SECTION 1.0 TITLE .....	3
Section 1.1 purposes .....	3
Section 1.2 authority .....	3
Section 1.3 territorial jurisdiction .....	3
Section 1.4 exclusions.....	3
Section 1.6 conflict .....	3
Section 1.7 separability .....	4
Section 1.8 repeal of pre-existing subdivision ordinance .....	4
<b>ARTICLE II. DEFINITIONS AND INTERPRETATIONS .....</b>	<b>5</b>
SECTION 2.0 MEANING OF WORDS GENERALLY .....	5
Section 2.1 Meaning of common words .....	5
Section 2.3 Meaning of specific words and terms .....	6
<b>ARTICLE III. PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS</b>	<b>14</b>
SECTION 3.1 PLAT SHALL BE REQUIRED ON ANY SUBDIVISION OF LAND.....	14
SECTION 3.2 APPROVAL PREREQUISITE TO PLAT RECORDATION .....	14
SECTION 3.3 GENERAL PROCEDURES FOR REVIEW OF MAJOR AND MINOR SUBDIVISION .....	14
SECTION 3.4 PROCEDURE FOR REVIEW OF MINOR SUBDIVISIONS.....	15
SECTION 3.5 PROCEDURE FOR REVIEW OF MAJOR SUBDIVISIONS .....	17
SECTION 3.6 PRELIMINARY PLAT FOR MAJOR SUBDIVISIONS.....	17
SECTION 3.7 FINAL PLAT FOR MAJOR SUBDIVISIONS .....	19
<b>ARTICLE IV. INFORMATION TO BE CONTAINED IN OR DEPICTED ON PRELIMINARY AND FINAL PLATS FOR MAJOR SUBDIVISIONS .....</b>	<b>25</b>
<b>ARTICLE V. DESIGN STANDARDS.....</b>	<b>28</b>
SECTION 5.0 GENERAL PROVISIONS.....	28
SECTION 5.1 SUBDIVISION NAMES AND IDENTIFICATION SIGNS .....	28
SECTION 5.2 STREETS .....	28
SECTION 5.3 WATER AND SEWER.....	31
SECTION 5.4 LOT REQUIREMENTS .....	34
SECTION 5.5 BLOCKS.....	35
SECTION 5.6 BUILDING SETBACK LINES.....	35
SECTION 5.7 EASEMENTS.....	35
SECTION 5.8 ELECTRICAL UTILITIES.....	37
SECTION 5.9 STREET LIGHTING .....	37
SECTION 5.10 STREETSCAPE BUFFERS.....	37
SECTION 5.11 RECREATION, OPEN SPACE, & HOMEOWNERS' ASSOCIATION .....	38
SECTION 5.12 HOMEOWNERS' ASSOCIATION (HOA) .....	444
<b>ARTICLE VI. IMPROVEMENTS .....</b>	<b>45</b>
SECTION 6.0 GENERAL.....	45
SECTION 6.1 REQUIRED IMPROVEMENTS .....	45
<b>ARTICLE VII. ADMINISTRATION.....</b>	<b>47</b>
SECTION 7.0 ADMINISTRATION .....	47
SECTION 7.1 VARIANCES.....	47
SECTION 7.2 AMENDMENT .....	47
SECTION 7.3 FEES .....	47
SECTION 7.4 DUTY OF REGISTER OF DEEDS .....	47
SECTION 7.5 PENALTY .....	48
SECTION 7.6 EFFECTIVE DATE.....	48

---

## **ARTICLE I. GENERAL PROVISIONS**

---

### **SECTION 1.0 TITLE**

This ordinance shall be known as the Harnett county, North Carolina subdivision regulations and may be referred to as the subdivision regulations.

### **SECTION 1.1 PURPOSES**

Existing patterns of suburban development have compromised the quality of life in rural areas and cities. Suburban sprawl is costly to build and maintain. In recent years many communities have begun to recognize the impact of this development style -- traffic congestion, air pollution, loss of farmland and natural areas, loss of a sense of community, increased cost for housing and infrastructure, and the inadequate provision of schools and other public services.

The purpose of this ordinance is to establish procedures and standards for the development and subdivision of land which facilitates the creation of functional neighborhoods where collective security, and community attributes enhance the quality of life for the immediate residents, adjoining neighborhoods, and the county as a whole. The design goals set forth in this ordinance aim for orderly growth and development of new neighborhoods; the coordination of streets within proposed neighborhoods with existing or planned streets and with other public facilities; the general distribution of population and traffic in a manner that will avoid congestion and overcrowding; the dedication or reservation of farmland, forests, natural areas, parks, squares, and recreational areas, improved and accessible to all residents of the neighborhood to serve as community focal points; and detailing of the public domain of streets, parks, and squares to promote civic awareness and responsibility, discourage high speed through traffic, and provide for pleasing visual environments to create conditions essential to public health, safety, and the general welfare.

This ordinance is designed to further facilitate adequate provision for water, sewer, schools, and other public services, for the dedication of rights-of-way or easements for streets and utility purposes; to insure the proximity of residential areas to centers of employment and shopping; to facilitate the further subdivision of larger tracts into smaller parcels of land; and to provide proper land records for the convenience of the public and for better identification and permanent location of real property boundaries.

The ordinance is also designed to protect and enhance the environmental quality of the county by reducing the impact of development on the community's storm drainage system; assisting in soil conservation, flood control, air pollution, and noise reduction; conserving the county's water supply; and enhancing the visual and aesthetic appearance of the community.

### **SECTION 1.2 AUTHORITY**

The provisions of this ordinance are adopted under authority granted by the general assembly of the state of North Carolina in general statutes, chapter 153a, article 18, part 2.

### **SECTION 1.3 TERRITORIAL JURISDICTION**

On and after April 4, 1977, these regulations shall govern each and every subdivision of land lying within the county and outside the subdivision regulation jurisdiction of any municipality, and the subdivision of land within the subdivision regulation jurisdiction of any municipality whose governing body by resolution agrees to such regulations.

### **SECTION 1.4 EXCLUSIONS**

This ordinance is not intended to regulate manufactured home parks or apartment complexes.

### **SECTION 1.6 CONFLICT**

Should any section or provision of this ordinance conflict with the requirements of other lawfully adopted rules, regulations, or ordinances of Harnett County, or deed restrictions imposed by the developer, the more stringent requirements shall govern.

**SECTION 1.7 SEPARABILITY**

Should any section or provision of this ordinance be declared by the courts to be invalid for any reason, such declaration shall not affect the ordinance as a whole or any part thereof other than the part so declared to be invalid.

**SECTION 1.8 REPEAL OF PRE-EXISTING SUBDIVISION ORDINANCE**

The provisions and requirements of this ordinance supersede all the provisions and requirements of the pre-existing Harnett county subdivision regulations adopted on April 4, 1977 and amended through September 16, 1991.

---

## **ARTICLE II. DEFINITIONS AND INTERPRETATIONS**

---

### **SECTION 2.0 MEANING OF WORDS GENERALLY**

Words and terms used in this document have their commonly accepted, dictionary meaning unless specifically defined or the context in which they are used in this document clearly indicates otherwise.

#### **SECTION 2.1 MEANING OF COMMON WORDS**

1. All words used in the present tense include future tense.
2. All words in the plural include the singular, and all words used in the singular include the plural.
3. All words used in the masculine gender include the feminine gender.
4. The word “shall” is mandatory and the word “may” is permissive.
5. The word “building” includes the words “structure,” and “structure and any part thereof.”
6. The word “lot” includes the words “plot,” “parcel,” “tract” and “site”.
7. The word “person” includes the words “association”, “company”, “corporation”, “firm”, “individual”, “organization”, and “partnership”.
8. The word “county” shall mean the “County of Harnett”, or “Harnett County, north Carolina”, the same being a creature of the general assembly of the state of North Carolina having the powers bestowed upon it by chapter 153a of the general statutes of North Carolina.
9. The words “Board of County Commissioners” or “County Commissioners” shall mean the “Harnett County Board of Commissioners”.
10. The words “ordinance” and “regulations” shall mean the “subdivision regulations for Harnett County North Carolina”.
11. The words “register of deeds” shall mean the “recorder of deeds for Harnett County, North Carolina”.
12. The word “street” includes the words “road”, “highway”, “avenue”, “boulevard”, “place”, “court” and “circle”.
13. The word “development review board” or “DRB” shall mean the Harnett County development review board

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 includes all division of land involving the dedication of a new street or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to the ordinance:

1. The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of Harnett County as shown in these subdivision regulations
2. The division of land into parcels greater than ten (10) acres if no street right-of-way dedication is involved;
3. The public acquisition by purchase of strips of land for widening or opening streets;
4. The division of a tract in single ownership, the entire area of which is no greater than two (2) acres into not more than three (3) lots, if no street right-of-way dedication is involved

and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations; and

### SECTION 2.3 MEANING OF SPECIFIC WORDS AND TERMS

**Abutting:** having property lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street or alley.

**Access way:** a way of approaching or entering a property across another property to their parcel that has a width of not less than twenty (20) feet that is legally recorded in the harnett county register of deeds office. Access way also includes ingress, the right to enter, and egress, and the right to leave.

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

**Artery or highway:** a major street designed primarily to carry heavy volumes of through vehicular traffic as shown on a major street plan.

**Base flood:** the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

**Block:** a tract of land or a lot or group of lots bounded by streets, public parks, golf courses, railroad rights-of-way, water courses, lakes, unsubdivided land, or a boundary line or lines of the county or its towns or any combination of the above.

**Board of adjustment:** the Harnett county board of adjustment

**Bona fide farm:** bona fide farm purposes include the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry and all other forms of agricultural products having a domestic or foreign market.

Bona fide farm purposes also include processing for personal consumption or commercial sale or distribution of any and all crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products, provided that a farm serial number issued by the united states department of agriculture (u.s.d.a.) Harnett county farm service agency has been obtained and so long as all such agricultural products are grown or produced on lands which are owned solely by or leased exclusively to and are harvested by the person processing such agricultural products.

**Buffer strip:** a strip of land to be used for planting and/or open area the purpose of which is to provide a minimum separation of different uses of property or a naturally existing wooded area of sufficient width and density to provide a visual screen.

**Building:** any structure built for the support, shelter, or enclosure of persons, animals, or movable property of any kind.

**Building setback line:** a line in the interior of a lot that is generally parallel to, and a specified distance from, the street right-of-way line; which creates a space between such lines in which no building shall be placed.

**Built-upon area:** built-upon area shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel, roads, recreation facilities (e.g. Tennis courts), etc. (note wooden slatted decks and the water area of a swimming pool are considered pervious.)

**Collector, Residential** – a local street which serves as a connector street between local residential streets and the thoroughfare system. Residential collector streets typically collect traffic from one-hundred (100) to four-hundred (400) dwelling units.

- A. **Dead end roads:** these roads are more than 2,500 feet in length, open at one end only without special provisions for turning around, and have collector characteristics.
- B. **Connecting roads:** the roads that serve as the connecting road system between other roads within the subdivision and the thoroughfare system.
- C. **Loop roads:** a road that has its beginning and ending points on the same route. It is more than one (1) mile in length and has collector characteristics.

**Common ownership:** ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each operation, firm, partnership, entity, or unincorporated association.

**Concurrency:** requirement that development applications demonstrate that adequate public facilities be available at prescribed levels of service concurrent with the impact or occupancy of development units.

**Conditions:** requirements to be met prior to subsequent action.

**Condominium:** a building or group of buildings in which the dwelling units are owned individually with the structure, common areas and facilities being owned by all the owners on a proportional, undivided basis and meets the requirements of the n.c. unit ownership act as specified in g.s. 47a-1 et seq.

**Corner lot:** a lot abutting two (2) or more streets at the street intersection.

**Covenants:** private land use controls that are attached to a deed and are not enforced by harnett county.

**Critical area:** the area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half (1/2) mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge-line of the watershed (whichever comes first); or one-half (1/2) mile upstream from the intake located directly in the stream or river (run of the river), or the ridge-line of the watershed (whichever comes first).

**Cul-de-sac:** a street with only one end open to traffic and the other end being permanently terminated and a vehicular turn around provided for the safe and convenient reversal of traffic movement. They have a “bulb” end design with a specific turning radii and a limited number of lots. Length is measured from the center point of the turn around to the centerline of the connecting non-cul-de-sac street.

**Dedication:** the object or the act of an owner offering property or property rights to the public without any considerations being given for the transfer. Since a transfer of property rights is involved, dedications must be written recordable instruments.

**Developer:** the owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

**Development review board:** the harnett county development review board

**Driveway:** an access point that serves for ingress and egress, most commonly for vehicles, to a private residence

**Entrance, subdivision:** an access point that serves for ingress and egress to a subdivision

**Double frontage lot:** a contiguous (through) lot that is accessible from both streets upon which it fronts. Also known as “through lot,” and “reverse frontage lot.”

**Drainageway:** any stream, watercourse, channel, ditch or similar physiographic feature draining water from the land.

**Drainageway buffer:** a recorded easement that remains undisturbed except as may be necessary to accommodate:

- A. Roads, provided they cross at a horizontal angle at least sixty (60) degrees.
- B. Utilities and their easements.
- C. Greenways, pedestrian paths, and their easements.

Drainageway buffers are measured perpendicular to the flow of the drainageway banks, except when no drainageway banks exist, in which case, the centerline of the drainage swale is used.

**E-911 address:** a physical address assigned by the e-911 coordinator for a building.

**Easement:** the right to use another person’s property, but only for a limited and specifically named purpose. The owner generally continues to make use of such land since he/she has given up only certain, and not all, ownership rights.

**Erosion, accelerated:** the increased rate and intensity of natural erosion caused by human made disturbances.

**Erosion, natural:** the wearing away of the earth’s surface by water, wind, and other natural agents under natural environmental conditions undisturbed by humans.

**Escrow:** a deposit of cash with the local government or escrow agent to secure the promise to perform some act.

**Exactions:** requirement of the developer to dedicate or pay for all or a portion of land or costs of public facilities as a condition of development approval.

**Family, lineal:** lineal descendants include children, grandchildren, and great-grandchildren. Lineal ascendants include the father, mother, grandfather, and grandmother.

**Flag lot:** a lot that in its shape resembles a flag on a pole, where the “flag” part is the main body of the lot and the “pole” part is the narrow portion of the lot that provides access from the road/street to the main body of the lot.

**Flood, ten year:** the flood that has a ten (10) percent chance of occurring in a given year.

**Flood damage prevention ordinance:** the harnett county, north carolina national flood insurance flood damage and prevention ordinance.

**Flood hazard area:** the minimum area of the flood plain that, on the average, is likely to be flooded once every one hundred (100) years (i.e., that has a one percent (1%) chance of being flooded each year) as identified by the federal insurance administration on flood hazard area boundary maps dated april 16, 1990.

**Floodway:** the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood (100 year flood event) without cumulatively increasing the water surface elevation more than one (1) foot.

**Frontage:** all of the real property abutting a street line measured along the street line.

**Greenway:** a linear park network left in its natural state except for the introduction of trails used by pedestrians and bicyclists.

**Group development:** one or more principal structures built on a single lot, tract, or parcel of land designed for occupancy by more than one (1) separate family, firm, business, or other enterprise.

**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 (1) side.

**High density:** those residential zoning districts in which the density is equal to or greater than one dwelling unit per ten-thousand (10,000) square feet.

**Impact fee:** a fee imposed on new development by the local government pursuant to this article in order to mitigate the impacts on community facilities created by the demand for capital improvements by the new development. Impact fees do not include the dedication of rights-of-way or easements for such facilities, or the construction of such improvements.

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

**Local road:** a road whose sole function is to provide access to abutting properties and to other roads from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

**Local residential subdivision road:** either cul-de-sacs, loop roads, roads that do not connect thoroughfares or serve major traffic generators.

**Lot:** a parcel of land occupied or to be occupied by a main building or group of main buildings and accessory building, together with such yards, open spaces, lot width and lot area as are required by this ordinance.

**Lot area:** the total horizontal area included within lot lines. In unzoned areas of the county, lot area shall not include any rights-of-way.

**Lot area (useable):** lot area suitable for septic fields. The area within the lot lines that is a contiguous area suitable for a septic field, well, house and access. This area does not include areas such as public rights-of-way, land on the opposite side of a public right-of-way from the house site on the lot, land within the water hazard area or floodway from the house site on the lot.

**Lot boundary line:** a line that divides one (1) lot from another or from a right-of-way.

**Lot depth:** the depth of a lot is the average distance between the front and back lot lines measured at right angles to its frontage and from corner to corner.

**Lot improvement:** physical changes made to raw land and structures on or under the land surface in order to make the land more useable for human activity. Typical improvements in these regulations include, but not be limited to, grading, street pavement, drainage ditches, and street name signs.

**Lot of record:** a lot which is a part of a subdivision, a plat of which has been recorded in the office of the harnett county register of deeds, or a lot described by metes and bounds, and description of which has been recorded in the office of the harnett county register of deeds by the owner or predecessor in title thereto prior to the adoption of this ordinance.

**Major collector roads:** routes that provide services to large towns not directly served by the arterial systems. They serve as important intercounty travel corridors.

**Major subdivision:** all subdivisions not classified as minor subdivisions.

**Manufactured home:** a factory-built, single-family structure that is built to meet the national manufactured housing construction and safety standards act of 1974 (42 u.s.c. section 5401), is transportable in one (1) or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

**Minor collector roads:** routes that collect traffic from local roads, and distribute that traffic to major collectors and arterials.

**Minor subdivision:** (a) any subdivision which creates a maximum of five (5) lots each of which front on a state maintained road or (b) any subdivision which allows a maximum of six (6) lots to be created on a fifty (50) foot easement abutting a state maintained road which meet the following requirements:

- A. Each lot shall have a minimum frontage of eighty (80) feet on the easement except on the bulb of a cul-de-sac where a minimum of 40 feet is acceptable.
- B. Does not allow for an easement to be created off of an existing easement.
- C. Accessways for minor subdivisions which allow more than two (2) lots, to be created on any easement, shall be required to meet the following road construction standards:
  1. There shall be an access travelway width of a minimum of twenty (20) feet.
  2. The travelway shall extend the entire length of the easement.
  3. The travelway shall be clear of all obstruction and debris.
  4. The travelway shall be compacted and layered with three (3) inches of aggregate base course.

**Modular home:** a manufactured building designed to be used as a single family dwelling unit which has been constructed and labeled indicating compliance with the north carolina state building code, volume vii - residential.

**Monuments:** markers placed on or in the land. Metal pins not less than three-fourth (3/4) inches in diameter and eighteen (18) inches long or concrete monuments four (4) inches in diameter or square and three (3) feet long.

**Multi-family residence:** a building containing three (3) or more dwelling units.

**Non-conforming lot of record:** a lot described by a plat or a deed that was recorded prior to the effective date of this ordinance (or its amendments) that does not meet the minimum lot size or other development requirements of this ordinance.

**Official maps or plans:** any maps, plans, charts, or text officially adopted by the county board of

commissioners for the development of harnett county. The land use plan and thoroughfare plan are two examples of an official map or plan.

**Official thoroughfare plan:** any thoroughfare plan that has been adopted by the harnett county board of commissioners or the governing body of any municipality in the county.

**Open space:** an area of land and/or water generally lacking in human-made structures and reserved for enjoyment in its unaltered state, or for recreation.

**Performance criteria:** regulation of development based on open space ratio, impervious surface ratio, density, and floor area ratio.

**Person:** any individual or group of individuals, or any corporation, general, or limited partnership, joint venture, unincorporated association, or governmental or quasi-governmental entity.

**Petitioner:** any person who submits any plans for review, or requests any administrative action, for approval under this ordinance; synonymous with the term “applicant.”

**Phased subdivision application:** an application for subdivision approval submitted pursuant to a master preliminary plat, or at the option of the subdivider, pursuant to a specific plan in which the applicant proposes to immediately subdivide the property but will develop in one (1) or more individual phase(s) over a period of time.

**Planned unit development (pud):** is a development constructed on a tract of at least ten (10) acres under single, corporation, firm, partnership, or association ownership planned and developed as a

Integral unit, and consisting of a combination of principal uses that could be combined only in a planned unit development.

**Plat:** a map or plan of a tract or parcel of land that is to be, or that has been subdivided.

**Preliminary subdivision plat:** a map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the compliance of the proposed subdivision of land with these regulations.

**Principal or main building:** a building in which is conducted the principal or main use of the property.

**Private driveway:** a roadway serving two (2) or fewer lots, building sites, or other divisions of land and not intended to be a public ingress or egress.

**Protected area:** the area adjoining and up stream of the critical area of the watershed iv (ws-iv). The boundaries of the protected area are defined as within five (5) miles of and draining to the normal pool elevation of the reservoir or to the ridge-line of the watershed; or within ten (10) miles upstream; and draining to the intake located directly in the stream or river or to the ridge-line of the watershed.

**Public improvement:** any drainage ditch, roadway, sidewalk, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which the local government responsibility is established.

**Public sewage disposal system:** a wastewater sewage system that is owned by any unit of government or authority, or by a private corporation, person, or association and which is designed to serve uses locating along existing lines or within the service area of the system, should additional collection lines be constructed. This definition does not include individual sewage disposal systems that serve only one (1)

lot in accordance with ncgs 130-166-64 and nca 10d, section .0702.

**Public water supply:** any water system furnishing potable water to the public that is owned by any unit of government or authority, or by a private corporation, person, or association and which is designed to serve uses locating along existing lines or within the service area of the system, should additional distribution lines be constructed. This definition does not include individual systems that serve only one (1) lot in accordance with ncgs 130-166-64 and nca 10d, section .0702.

**Recreation area or park:** an area of land and/or water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodates such activities.

**Reservation:** an obligation to keep property free from development for a stated period of time for the purpose of making the land available for a specified use at a later time.

**Resubdivision:** any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

**Right-of-way:** a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use.

**Single-tier lot:** a lot that 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.

**Sketch Plat:** A sketch preparatory to the preliminary plat (or final plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Planning Board or the Subdivision Administrator (in the case of minor subdivisions) as to the form of the plat and the objectives of these regulations.

**Stream:** Any drainageway draining twenty-five (25) or more acres of land.

**Street, Local** – a local street is any street not on a higher order urban system and serves primarily to provide direct access to abutting land.

**Street, Private** – any street or roadway not maintained by the NC Department of Transportation. An undedicated private right-of-way that affords access to abutting properties according to the standards of this ordinance and requires a subdivision streets disclosure statement in accordance with the North Carolina general statutes. This is also any road or street that is not publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public. In each case, these can be gravel roads that may or may not be built to NDOT standards and will never be taken over by NCDOT.

**Street/Road:** A dedicated and accepted public right-of-way for vehicular traffic and pedestrian circulation. The following classification shall apply:

- A. Artery or Highway
- B. Major Street or Thoroughfare
- C. Collector Street
- D. Minor or Residential Street (Local Street)

E. Marginal Access Street

F. Cul-de-sac

G. Dead End/Stub Street

Half Street

NOTE: See the definitions for explanation of meanings.

**Street Sign:** The sign designating the official name and /or number of the street and being of a design approved by the County and installed according to County guidelines.

**Structure:** Anything constructed or erected, including but not limited to buildings, which requires location on land or attachment to something having permanent location on the land.

**Subdivider:** Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided or who (2) directly or indirectly sell, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision, of any interest, lot, parcel, site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

**Thoroughfare, Major** – consist of Inter-State, other freeway, expressway or parkway roads and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

**Thoroughfare, Minor** – perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating minor through traffic movements and may also serve abutting property.

**Variance:** A grant of relief to a person from the requirements of this Ordinance where unusual or unique circumstances peculiar to the property exist, literal enforcement would result in unnecessary and undue hardship, and such relaxation of the regulations would not be contrary to the public interest. Provided however, that the need for the variance was not caused or created by the applicant or property owner.

**Watercourse:** Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, or lake.

**Watershed:** The entire land area contributing surface drainage to a specific point (e.g., the water supply intake).

---

## **ARTICLE III. PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS**

---

### **SECTION 3.1 PLAT SHALL BE REQUIRED ON ANY SUBDIVISION OF LAND**

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 takes place.

### **SECTION 3.2 APPROVAL PREREQUISITE TO PLAT RECORDATION**

Pursuant to G.S. 153A-331, no final plat of a subdivision within the jurisdiction of Harnett County as established in Section 1.3 of this Ordinance shall be recorded by the Register of Deeds of Harnett 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.

### **SECTION 3.3 GENERAL PROCEDURES FOR REVIEW OF MAJOR AND MINOR SUBDIVISION**

All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in this Ordinance. Major subdivisions shall be reviewed in accordance with the procedures in Section "Procedure for Review of Major Subdivisions", Section "Preliminary Plat for Major Subdivisions" and Section "Final Plat for Major Subdivisions". Minor subdivisions shall be reviewed in accordance with the provisions in Section "Procedure for Review of Minor Subdivisions". However, if the applicant 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 procedure. The abbreviated procedure may not be used a second time within three (3) years on any property less than 1,500 feet from the original property boundaries by anyone who owned, had an option on, or held any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval or by any subsequent owner, individual having an option on, or individual having any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval. However, the Planning Director or Designee may at any time refer the application to the Harnett County Planning Board for consideration to allow a second minor subdivision to occur within the allotted three (3) years if deemed necessary and appropriate. Subsequent to Planning Board approval, the application shall then be reviewed in accordance with the major subdivision review and approval process by the Development Review Board. In no case shall utilization of this process allow for the number of new lots created, combined with the number of lots created by the initial minor subdivision exceed the maximum number of lots permitted by the minor subdivision process. No other requirements set forth by the minor subdivision process shall be circumvented.

#### SECTION 3.3.1 EXPIRATION OF APPROVED PLATS

Any minor subdivision plat that has received sketch plan approval but has failed to receive final plat approval from the Planning Department within 180 days from the date of that approval shall be null and void.

Any preliminary major subdivision plat consisting of a single phase which has failed to receive final plat approval from the Planning Department within two (2) years from the date of preliminary plat approval shall be null and void. Major subdivisions consisting of multiple phases must have received final plat approval from the Planning Department for at least one phase within two (2) years from the date of preliminary plat approval or the approval shall be null and void.

## **SECTION 3.4 PROCEDURE FOR REVIEW OF MINOR SUBDIVISIONS**

### SECTION 3.4.1 PRE-APPLICATION REVIEW FOR MINOR SUBDIVISION

Prior to submittal of a final plat, the subdivider may submit to the Subdivision Administrator a sketch plan of the proposed subdivision. The Planning Department shall establish standard regulations for sketch plan submittal and review including but not limited to the number of copies requested and the information to be included on the sketch plan.

The Subdivision Administrator shall submit copies of the sketch plan and any accompanying material to other officials and agencies concerned with new development including, but not limited to: the District Highway Engineer as to proposed driveways, the Harnett County Health Department as to proposed water and sewerage systems, the Harnett County Public Utilities Department as to public water and/or sewer systems, the North Carolina Department of Environment and Natural Resources, Land Quality Section as to the erosion control requirements and the Harnett County E-911 Director as to street naming and assignment of addresses.

The Subdivision Administrator review the sketch plan for general compliance with the requirements of this Ordinance and the Zoning Ordinance; the Subdivision Administrator 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 submittal of the final plat.

One (1) copy of the sketch plan shall be returned to the subdivider or his authorized agent.

### SECTION 3.4.2 FINAL PLAT FOR MINOR SUBDIVISIONS.

Upon approval of the sketch plan by the Subdivision Administrator, the subdivider may proceed with the preparation of the final plat in accordance with the requirements of this Ordinance.

The subdivider shall submit the final plat so marked, to the Subdivision Administrator.

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 Manual of Practice for Land Surveying in North Carolina.

Five (5) copies of the final plat shall be submitted, one (1) of these shall be on reproducible material. Material and drawing medium for the original shall be in accordance with the Manual of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Harnett County Register of Deeds.

The final plat shall be of a size suitable for recording with the Harnett County Register of Deeds and shall be at a 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.

Submittal of the final plat shall be accompanied by a filing fee and if applicable, a road sign fee as adopted and periodically revised by the Harnett County Board of Commissioners.

The final plat shall contain the same information as required in Section 3.4.1 and a copy of a recorded ingress and egress easement maintenance agreement or reference number on the map as required in Article V Section 5.2.2.

The following signed certificates shall appear on all ten (10) 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 Harnett County, North Carolina and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted. I further certify that I have not been involved as an owner, leaser, option holder or had 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 shown and described hereon.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

B. Certificate of Survey and Accuracy

In accordance with the Manual of Practice for Land Surveying in North Carolina:

On the face of each map prepared for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgments and executed by the person making the survey or map including deeds and any recorded data shown thereon. The certificate shall include a statement of error of closure calculated by latitudes and departures. Any lines on the map which were not actually surveyed must be clearly indicated on the map and a statement included in the certificate revealing the source of information.

The certificate shall take the following general form:

State of North Carolina

Harnett County

I, \_\_\_\_\_, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, Book \_\_\_\_\_, Page \_\_\_\_\_, etc.) (other); that the ratio of precision as calculated by latitudes and departures is 1: \_\_\_\_\_, (that the boundaries not surveyed are shown as broken lines plotted from information found in Book \_\_\_\_\_, Page \_\_\_\_\_); that this map was prepared in accordance with G.S. 47-30, as amended.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ (year).

Official Seal

\_\_\_\_\_  
Registered Land Surveyor

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

C. Certificate of Approval of the Water Supply and Sewage Disposal Systems

I hereby certify that the water supply and sewage disposal have been installed in an acceptable manner and according to Harnett County, North Carolina specifications and standards in the \_\_\_\_\_ Subdivision.

\_\_\_\_\_  
Harnett County Health Director (or the Harnett County Public Utilities Director when the County owned and operated public water and/or public sewage system is to be utilized).

\_\_\_\_\_  
Date

The Subdivision Administrator shall review the final plat and shall approve, or disapprove the final plat with reasons within fifteen (15) days.

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

D. Certificate of Approval for Recording

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

\_\_\_\_\_  
Harnett County Subdivision Administrator

\_\_\_\_\_  
Date

Harnett County, North Carolina

If the final plat is disapproved by the Subdivision Administrator, 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 Subdivision Administrator as part of the records; one (1) copy of the reasons and one (1) print 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 Subdivision Administrator.

If the final plat is approved by the Subdivision Administrator, the original tracing and one (1) print of the plat shall be retained by the subdivider. One (1) print shall be retained by the Subdivision Administrator for the records.

The subdivider shall file the approved final plat with the Register of Deeds of Harnett County within thirty (30) days of the approval; otherwise, such approval shall be null and void.

**SECTION 3.5 PROCEDURE FOR REVIEW OF MAJOR SUBDIVISIONS**

SECTION 3.5.1 PRE-APPLICATION REVIEW FOR MAJOR SUBDIVISIONS

Prior to the preliminary plat submittal, the subdivider may submit to the Subdivision Administrator, a sketch plan of the proposed subdivision for review and comment. The Planning Department shall establish standard regulations for sketch plan submittal and review including but not limited to the number of copies requested and the information to be included on the sketch plan.

The Subdivision Administrator shall review the sketch plan for general compliance with the requirements of this Ordinance and the Zoning Ordinance; the Subdivision Administrator 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 submittal of the preliminary and final plats.

One (1) copy of the sketch plan shall be returned to the subdivider or his authorized agent.

**SECTION 3.6 PRELIMINARY PLAT FOR MAJOR SUBDIVISIONS**

### SECTION 3.6.1 SUBMITTAL PROCEDURE

For every subdivision within the territorial jurisdiction established by Section 1.3 of this Ordinance, which does not qualify for the minor subdivision procedure, the subdivider shall submit a preliminary plat which shall be approved by the Planning Board before any construction or installation of improvements may begin. Submittal of the Preliminary Plat shall be accompanied by a filing fee as adopted and periodically revised by the Harnett County Board of Commissioners.

A complete application shall be submitted to the Planning Department by the established deadline. Incomplete applications will not be reviewed and will not be placed on the Development Review Board Agenda. The Harnett County Planning Department shall establish criteria for a complete application. Any change in requirements shall be posted in the Planning Department office no less than thirty (30) days prior to enforcement. The Harnett County Planning Department shall establish standard deadlines for complete applications. This information shall be made available to the public and shall be posted in the Planning Department Office.

Preliminary plats shall meet the specifications in Article IV.

### SECTION 3.6.2 DRB MEMBERSHIP

**General Membership:** After having received the complete application from the petitioner, the Subdivision Administrator shall forward copies of the complete application to the general members of the Development Review Board.

**Advisory Membership:** After having received the preliminary plat from the petitioner, the Subdivision Administrator shall forward copies of the complete application to the advisory members of the Development Review Board. The Development Review Board may at any time, determine that an additional advisory member may need to review the application prior to final approval.

### SECTION 3.6.3 REVIEW PROCEDURE

The petitioner shall be prepared to make a very brief presentation to the Development Review Board membership and answer any questions at the first meeting where the application is being reviewed. Each Development Review Board general member shall review the application at or before its next regularly scheduled meeting. Comments on the application shall be provided, in brief, to the petitioner at the regularly scheduled meeting. If the nature of the comments is too complicated for a brief presentation, it shall be the responsibility of the petitioner to contact the member's agency with comments for a full explanation.

The Development Review Board shall, in writing, recommend approval; conditional approval (with a list of the conditions to bring the plat into compliance); or disapproval (with reasons) only after all concerns or comments of the Board general membership have been addressed.

If the Development Review Board 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 Subdivision Administrator and one (1) copy shall be returned to the subdivider. If the Development Review Board 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 (1) copy of the plat along with the conditions shall be retained by the Subdivision Administrator and one (1) copy of the preliminary plat along with the conditions shall be returned to the subdivider. If the Development Review Board 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 Subdivision Administrator and one (1) copy shall be returned to the subdivider.

If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat to the Subdivision Administrator.

## **SECTION 3.7 FINAL PLAT FOR MAJOR SUBDIVISIONS**

### SECTION 3.7.1 PREPARATION OF FINAL PLAT AND INSTALLATION OF IMPROVEMENTS

Upon approval of the preliminary plat by the Development Review Board, the petitioner 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 petitioner shall have installed the improvements provided herein. No final plat, which contains private streets will be accepted for review by the Subdivision Administrator unless accompanied by written notice prepared by the subdivider's engineer acknowledging compliance with the improvement and guarantee standards of this Ordinance. The final plat shall constitute only that portion of the preliminary plat which the petitioner proposes to record and develop at that time; such portion shall conform to all requirements of this Ordinance.

### SECTION 3.7.2 IMPROVEMENTS GUARANTEES

In lieu of requiring the completion, installation and dedication of any and all improvements (e.g., roads, water, sewer, street lights, etc.) prior to final plat approval, the Planning Department may enter into a written agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Once said agreements is signed by both parties and the security required herein is provided, the final plat may be approved by the Planning Department, if all other requirements of this Ordinance are met. To secure this agreement, the subdivider shall provide, as approved by the Planning Department, either one or a combination of the following guarantees equal to 1.25 times the entire cost of the improvements secured:

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

The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina and approved by the Harnett County Planning Department. The bond shall be payable to Harnett County and shall be in an amount equal to 1.25 times the entire cost, as estimated by the subdivider and verified by the County, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the County. Any expenses associated with the cost verification by the County shall be paid entirely by the subdivider.

#### B. 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 Harnett County Planning Department. The amount of deposit shall be equal to 1.25 times the entire cost, as estimated by the subdivider, and verified by the County, 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 Harnett County Planning Department an agreement between the financial institution and himself guaranteeing the following:

That said escrow amount will be held in trust until released by the Harnett County Planning Department and may not be used or pledged by the subdivider in any other transaction during the term of the escrow.

#### C. Default

Upon default, meaning failure on the part of the subdivider to complete the required improvements in the time allowed by this Ordinance or as spelled out in the performance

bond or escrow agreement, then the surety, or financial institution holding the escrow account, shall, if requested by the County pay all or any portion of the bond or escrow fund to the County of Harnett up to the amount needed to complete the improvements based on an estimate by the County. Upon payment, the County in its discretion may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The County shall return to the subdivider any funds not spent in completing the improvements.

#### D. Release of Guarantee Security

The County may release a portion of any security posted as the improvements are completed and recommended for approval by the Subdivision Administrator. Within thirty (30) days after receiving the Subdivision Administrator's recommendation, the Harnett County Planning Department shall approve or disapprove said improvements. When the Harnett County Planning Department approves said improvements, it shall immediately release the portion of the security posted which covers the cost of the improvements approved.

#### E. Maintenance of Required Improvements

It is the intent of this Ordinance that the original developer or any subsequent developer shall be responsible for the maintenance of all required improvements until such time as a unit of government, public utility or other legal entity assumes responsibility for the maintenance of those improvements.

It shall be the responsibility of the developer to formally notify the District Engineer from the N.C. Department of Transportation and initiate the process of transferring the responsibility of road maintenance. If the District Engineer or his designee has not recommended that the N.C. Department of Transportation accept maintenance responsibility for the required public road improvements by the time that the County has issued building permits for seventy-five percent (75%) of the lots shown on the record plat, the County shall not issue any more building permits until the District Engineer makes such a recommendation and formally notifies the Subdivision Administrator.

It shall be the responsibility of the developer to correctly complete the installation of sidewalks, street trees as well as curb and gutter systems. If the installation of these listed amenities is not complete by the time that the County has issued building permits for seventy-five percent (75%) of the lots shown on the record plat, the County shall not issue any more building permits until they have been completed.

It shall be the responsibility of the developer to correctly complete the installation of sidewalks, street trees as well as curb and gutter systems. If the installation of these listed amenities is not complete by the time that the County has issued building permits for seventy-five percent (75%) of the lots shown on the record plat, the County shall not issue any more building permits until they have been completed.

If all roads within the subdivision have not been accepted by the N.C. Department of Transportation or the appropriate amenities have not been correctly installed by the time at which building permits have been issued for seventy-five (75%) of the lots, the developer may post a surety performance bond, provide cash in escrow or an equivalent security. Should this alternative be used, the method of payment chosen shall be equal to 1.25 times the cost of installing all remaining required improvements according to the standards required by the N.C. Department of Transportation (for roadway improvements) or a Certified Engineer (for amenity improvements). Estimates of costs shall be provided by the developer and verified by the County.

Within thirty (30) days after the Subdivision Administrator receives formal notice of acceptance of the roads by the N.C. Department of Transportation, the County shall release any unused portion of the securities posted through this procedure.

Contained on the record plat shall be a certification assigned by the developer and notarized acknowledging that the developer is responsible for the maintenance of all required improvements until such responsibility is assumed by a unit of government, public utility or other legal entity.

For purposes of this Ordinance, maintenance shall mean that all required improvements are kept in a good state of repair and that such improvements are able to be used for their intended purpose without any impediments. In the case of roads, the developer shall not install or allow to be installed any items within the right-of-way which will have to be removed prior to the acceptance of the roads by the N.C. Department of Transportation. Such items include but are not limited to fences, masonry mailbox supports, shrubbery and driveway markers.

### SECTION 3.7.3 SUBMITTAL PROCEDURE

A complete application shall be submitted to the Planning Department by the established deadline. Incomplete applications will not be reviewed and will not be placed on the Development Review Board Agenda. The Harnett County Planning Department shall establish criteria for a complete application. Any change in requirements shall be posted in the Planning Department office no less than sixty (60) days prior to enforcement. The Harnett County Planning Department shall establish standard deadlines for complete applications. This information shall be made available to the public and shall be posted in the Planning Department Office.

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, subdivision, and mapping requirements set forth in G. S. 47-30 and the Manual of Practice for Land Surveying in North Carolina.

Ten (10) copies of the final plat shall be submitted; one (1) of these shall be on reproducible material. Material and drawing medium of the original shall be in accordance with the Manual of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Harnett County Register of Deeds.

The final plat shall be of a size suitable for recording with the Harnett County Register of Deeds and shall be at a 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.

The final plat shall meet the specifications in Article IV of this Ordinance.

The following signed certificates shall appear on all ten (10) 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 Harnett County, North Carolina 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 Harnett.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owners

B. Certificate of Survey and Accuracy

In accordance with the Manual of Practice for Land Surveying in North Carolina:

On the face of each map prepared for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgments and executed by the person making the survey or map including deeds and any recorded data shown thereon. The certificate shall include a statement of error or closure calculated by latitudes and departures. Any lines on the map which were not actually surveyed must be clearly indicated on the map and a statement included in the certificate revealing the source of information.

The certificate shall take the following general form:

State of North Carolina

Harnett County

I, \_\_\_\_\_ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made me) (an actual survey made under my supervision) (deed description recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, Book \_\_\_\_\_, Page, etc.) (other); that the ratio of precision as calculated by latitudes and departure is 1: \_\_\_\_\_. (That the boundaries not surveyed are shown as broken lines plotted from information found in Book \_\_\_\_\_, Page \_\_\_\_\_: that this map was prepared in accordance with G. S. 47-30, as amended. Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, (year).

\_\_\_\_\_  
Registered Land Surveyor

Official Seal

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

C. Certificate of Approval of the Water Supply and Sewage Disposal Systems

The Environmental Health Section, Harnett County Department of Public Utilities and the North Carolina Department of Transportation have individual certification stamps. Such stamps must appear on every final plat along with the proper signatures.

D. Certificate of Approval of the Design and Construction of Streets

I hereby certify that all streets and other required improvements have been installed in an acceptable manner and according to Harnett 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 Planning Department of Harnett County has been received, and that the filing fee for the plat has been paid.

\_\_\_\_\_  
Harnett County Subdivision Administrator

\_\_\_\_\_  
Date

Certificate of Improvements Maintenance

I hereby certify that I assume all financial and legal responsibilities for the maintenance and upkeep of all streets and other required improvements in the \_\_\_\_\_ Subdivision until such time that they are accepted for maintenance by the North Carolina Department of Transportation or other appropriate public entities.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

I (officer authorized to take acknowledgements) do hereby certify the (name of owner) personally appeared before me this day and acknowledged the due execution of this certificate. Witness my hand and (where an official seal is required by law) official seal this \_\_\_\_\_ day of \_\_\_\_\_ (year).

\_\_\_\_\_  
Notary Public

Official Seal

My Commission Expires: \_\_\_\_\_

The Planning Department shall review the final plat and shall approve or disapprove within thirty (30) days.

If the final plat is disapproved by the Planning Department, 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 Planning Department. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit plat for reconsideration by the Planning Department. The

The subdivider shall file the approved final plat with the Register of Deeds of Harnett County within thirty (30) days of approval; otherwise such approval shall be null and void.

SECTION 3.7.4 REVIEW BY DRB MEMBERSHIP

General Membership

After having received the complete application from the petitioner, the Subdivision Administrator shall forward copies to the general members of the Development Review Board.

Advisory Membership

After having received the complete application from the petitioner, the Subdivision Administrator shall forward copies to the advisory members of the Development Review Board. The

Development Review Board may at any time, determine that an additional advisory member may need to review the application prior to final approval.

SECTION 3.7.5 REVIEW PROCEDURE

The petitioner shall be prepared to make a very brief presentation to the Development Review Board membership and answer any questions at the first meeting where the application is being reviewed. Each Development Review Board general member shall review the preliminary plat at or before its next regularly scheduled meeting. Comments on the application shall be provided, in brief, to the petitioner at the regularly scheduled meeting. If the nature of the comments is too complicated for a brief presentation, it shall be the responsibility of the petitioner to contact the member(s) with comments for a full explanation.

The Development Review Board shall, in writing, recommend approval; conditional approval (with a list of the conditions to bring the plat into compliance); or disapproval (with reasons) only after all concerns or comments of the Board membership have been addressed.

## ARTICLE IV. INFORMATION TO BE CONTAINED IN OR DEPICTED ON 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.

INFORMATION	PLAT	
	PRELIMINARY	FINAL
Title Block Containing		
Property designation and parcel identification number	x	x
Name of owner	x	x
Location (including township, County and state)	x	x
Date or dates survey was conducted and plat prepared	x	x
A scale of drawing in feet per inch listed in words or figures	x	x
A bar graph	x	x
Name, address, registration number and seal of the Registered Land Surveyor	x	x
The name of the subdivider	x	x
A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area	x	x
Corporate limits and/or County lines if on the subdivision tract	x	x
The names, addresses and telephone numbers of all owners, mortgages, registered land surveyors, land planners architects, landscape architects, and professional engineers responsible for the subdivision	x	x
The registration numbers and seals of the professional engineers	x	x
Date of plat preparation	x	x
North arrow and orientation	x	x
The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown	x	
The 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
The names of owners of adjoining properties	x	x
The names of any adjoining subdivisions of record or proposed and under review	x	x
Minimum building setback lines	x	x
The 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 and phase lines (if applicable)	x	x
The lots numbered consecutively throughout the subdivision	x	x
Wooded areas, marshes, swamps, ponds or lakes, streams or streambeds and any other natural features affecting the site	x	
The exact location of the flood hazard, floodway and floodway fringe areas from the community's Flood Hazard Boundary Maps or other Federal Emergency Management Agency maps and any North Carolina water supply watershed boundaries.	x	x
The following data concerning streets:		
Proposed streets	x	x
Existing and platted streets on adjoining properties and in the proposed subdivision	x	x
Rights-of-way, location and dimensions	x	x
Pavement widths	x	x
Approximate grades	x	x
Design engineering data for all corners and curves	x	x
Typical street cross sections	x	x
Street names (as approved by the Harnett County E-911 Coordinator)	x	x
Street maintenance agreement in accordance with Section 5.2.10B of this Ordinance		x

INFORMATION	PLAT	
	PRELIMINARY	FINAL
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 N.C. Department of Transportation District Highway Office for review: a 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 plan layout; the 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.	X	X
Where streets are dedicated to the public, but not accepted into a State system before lots are sold, a statement explaining the status of the street in accordance with Section 5.2.2 of this Ordinance.		X
If any street is proposed to intersect with a state maintained road, the subdivider shall apply for driveway approval as required by the North Carolina Department of Transportation, Division of Highways' <u>Manual on Driveway Regulations</u> . Evidence that the subdivider has obtained such approval.	X	
<b>The location and dimensions of all:</b>		
Utility and other easements	X	X
Riding trails	X	X
Natural buffers	X	X
Pedestrian or bicycle paths	X	X
Parks and recreation areas with specific type indicated	X	X
School sites	X	X
Areas to be dedicated to or reserved for public use	X	X
Areas to be used for purposes other than residential with the purpose of each stated	X	X
The 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	
<b>The plans for utility layouts including:</b>		
Sanitary sewers	X	
Storm sewers	X	
Other drainage facilities, if any	X	
Water distribution lines	X	
Fire hydrants	X	X
Natural gas lines	X	
Telephone lines	X	
Electric lines	X	
Street lighting (may indicate in "Notes" section on final plat)	X	X
Illustrating connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains and gate valves	X	X
Plans for individual water supply and sewage disposal systems, if any	X	X
Profiles based upon Mean Sea level datum for sanitary sewers and storm sewers	X	
<b>Site calculations including:</b>		
Gross acreage shown for total tract to be subdivided	X	X
Acreage in parks and recreation areas and other nonresidential uses	X	X
Total number of lots created	X	X
Net acreage shown for each lot in the subdivision	X	X
Linear feet in streets	X	X
The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the U.S. Department of Interior's National Register of Historic Places	X	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
The accurate locations and descriptions of all monuments, markers and control points.		X
A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas are established.	X	X
A copy of the erosion control plan submitted to the appropriate authority, if such a plan is required.	X	
Topographic map with contour intervals of no greater than ten (10) feet drawn at an engineering scale.	X	
<b>Certification of the following:</b>		

INFORMATION	PLAT	
	PRELIMINARY	FINAL
Ownership, dedication and jurisdiction, signed		X
Approval of water supply and sewage disposal systems, signed by the County Health Director. A certificate of approval signed by the County Utilities Director is required when county owned or operated public water and/or public sewage is to be utilized.		X
Accuracy and mapping, signed		X
Approval of streets and street drainage plans and improvements by the District Engineer, North Carolina State Highway Commission.		X
Approval by the Harnett County Development Review Board, unsigned.		X
Approval by the Harnett County Board of Commissioners, unsigned.		X
Approval by the Harnett County Review Officer, unsigned.		X
Registration by the Register of Deeds of Harnett County, unsigned.		X
Any other information considered by either the subdivider, Subdivision Administrator or DRB to be pertinent to the review of the plat.	X	X

---

## **ARTICLE V. DESIGN STANDARDS**

---

### **SECTION 5.0 GENERAL PROVISIONS**

Any land area within the jurisdiction of this Ordinance deemed by the Planning Board to be unsuitable for residential occupancy shall be prohibited for subdivision development. The DRB in making their determination shall be guided by an analysis of available data on topography, soils, flood plains, drainage, and ground and surface water.

### **SECTION 5.1 SUBDIVISION NAMES AND IDENTIFICATION SIGNS**

#### **SECTION 5.1.1 SUBDIVISION NAMES**

In no case shall the proposed name for subdivision duplicate or be phonetically similar to existing subdivisions within the jurisdiction of Harnett County. Additionally, the use of initials, acronyms, letters, numbers and Roman numerals in subdivision names is prohibited.

#### **SECTION 5.1.2 SUBDIVISION IDENTIFICATION SIGNS**

Identification signs for subdivisions located within the zoning jurisdiction of Harnett County shall be regulated by the County's Zoning Ordinance. For subdivisions not located within the County's zoning jurisdiction the following regulations shall apply:

- A. There shall be a limit of one (1) double-faced sign or two (2) single-faced signs for each primary entrance to the subdivision. Each sign shall not exceed fifty (50) square feet in size.
- B. Identification signs shall be located on private property and shall be installed so as to not interfere with the line of sight needed for safe movement onto the intersecting road when exiting the subdivision.
- C. All identification signs installed under the provisions of this Ordinance may be illuminated internally or externally and shall be constructed to meet the requirements of the National Electric Code and any other applicable local codes. If lighted externally, no direct rays of light may be cast on any adjoining property or interfere with any vehicles approaching on a public right-of-way from any direction.
- D. Signs which contain, include or are lighted by any flashing, intermittent or moving lights are prohibited.

### **SECTION 5.2 STREETS**

#### **SECTION 5.2.1 TYPE OF STREETS REQUIRED**

All subdivision lots shall abut a street designated as either public or private. All public or private 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. Public streets, which are eligible for acceptance into the State Highway System, shall be put on such system. Streets which are not eligible to be put on the State Highway System, because there are too few lots or residences, shall be in accordance with the standards in this Ordinance or standards necessary to be put on the State Highway System. Private streets shall be prohibited within all subdivisions except planned unit developments, condominium and townhome developments and recreation communities subject to reasonable and appropriate conditions deemed necessary by the DRB. Where private streets are provided in developments with lots or units for sale, such streets shall be designated as part of areas held in common and under ownership of a home owner's association with maintenance provisions.

### SECTION 5.2.2 SUBDIVISION STREET DISCLOSURE STATEMENT

All streets shown on the final plat shall be designated as public or private. Designation as public shall be conclusively presumed to be an offer of dedication to the public. Where streets are dedicated to the public but not accepted into the State system, before lots are sold, a statement explaining the status of the street shall be included with the final plat. Designation as private shall be conclusively presumed to be a private street.

Where streets are designated as private, a full disclosure of the status of the street and maintenance responsibilities is required and these listed items shall run with the land.

A Recorded Ingress and Egress Easement Maintenance Agreement: Where easements provide required access, they shall meet all applicable standards. Ingress and Egress easements with more than two (2) lots will provide a continued maintenance agreement and shall be approved by the Planning Director or designee and recorded with the County Register of Deeds in a legally valid and binding instrument that describes the method of maintenance, who will be responsible for maintenance, and the properties which the easement access way serves.

### SECTION 5.2.3 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 impracticable, adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the subdivider. Where a half-street exists 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.

### SECTION 5.2.4 MARGINAL ACCESS STREETS

It is the intent of this regulation to limit access onto principal arterial streets where appropriate, in order to maintain the traffic capacity and encourage smooth traffic flow. 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.

Marginal access streets shall be built to the minimum requirements as stated in the definition of a minor subdivision under Article II Section 2.3.

### SECTION 5.2.5 ACCESS TO ADJACENT PROPERTIES

Where, upon the recommendation of the Development Review Board, it is desirable to provide for street access to adjoining property, proposed streets shall be extended, dedicated and where appropriate, constructed to the boundary of such property. It is the intention of this section to promote the orderly development of a local street system that provides interconnection between developed or developing properties.

'Stub streets' shall be required where all of the following are met:

1. Where the zoning and /or land use on the adjoining property are compatible with the proposed subdivision
2. Where there are no natural or man-made barriers that make the street extension impractical

3. Where the street extension will result in desirable traffic flows and patterns and where inappropriate levels of through traffic are avoided
4. Where the street extension will promote the overall orderly development of the area

All stub streets shall be designed and where required to be built, constructed in accordance with the appropriate standards as delineated in these subdivision regulations.

#### SECTION 5.2.6 NONRESIDENTIAL STREETS

The subdivider of a nonresidential subdivision shall provide streets in accordance with the standards contained in the most current edition of the North Carolina Roads, Minimum Construction Standards Booklet; and the standards in this Ordinance, whichever are stricter in regard to each particular item.

#### SECTION 5.2.7 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 most current edition of the N.C. Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction Standards, shall apply for any items not included in this Ordinance, or where stricter than this Ordinance.

#### SECTION 5.2.8 DEAD END STREETS AND CUL-DE-SACS

A permanent dead-end street shall not exceed two thousand (2,000) feet in length – measured from its beginning point on a through street to its end in the center of the turnaround of the cul-de-sac or the end of a temporary turnaround. Stub out streets or intersecting cul-de-sacs shall not be points of measurement for dead-end streets. The distance from the edge of pavement on the vehicular turnaround to the right-of-way line shall not be less than the distance from the edge of pavement to right-of-way line on the street approaching the turnaround. Cul-de-sacs should not be used to avoid connection with an existing street or to avoid the extension of an important street, unless exception is granted by the DRB.

#### SECTION 5.2.9 ALLEYS

- A. Except for Neo-Traditional designed lots, alleys shall not be provided in residential subdivisions unless necessitated by unusual circumstances. Unless otherwise provided herein Neo-Traditional designed lots shall have alleys that comply with the North Carolina Department of Transportation Traditional Neighborhood Development Street Design Guidelines. Maintenance of alleyways will be the responsibility of the home owners' association or comparable individual, or group that has responsibility for other common areas. Maintenance of alleyways shall be addressed in the organizational papers and by-laws of the home owners' association.

Alleys shall not be provided in residential subdivisions unless necessitated by unusual circumstances.

- B. The width of an alley shall be at least twenty (20) feet.
- C. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end as may be approved by the DRB.
- D. Sharp changes in alignment and grade shall be avoided.
- C. All alleys shall be designed in accordance with N.C. Department of Transportation Standards.

#### SECTION 5.2.10 SUBDIVISION ENTRANCES

All developments of more than two-hundred (200) residential units or additions to existing developments that increase the total number of residential units to two-hundred (200) or more shall provide vehicular access to at least two public streets unless the Planning Board determined that topography, natural features, or the pattern of the existing adjacent development makes such provision impractical.

A maximum of two (2) entrances per major subdivision are allowed unless additional entrances are approved by the Harnett County Planning Board. The Planning Board may grant additional entrances through the granting of a waiver meeting the requirements set forth in Article VII, Section 7.1 of this Ordinance.

**SECTION 5.3 WATER AND SEWER**

Installation and provision for water supply and sewage disposal shall be according to the standards of the Harnett County Department of Public Utilities Comprehensive Water and Sewer Plans and the Harnett County Health Department.

SECTION 5.3.1 WATER SUPPLY SYSTEM:

A. Connection Requirement: Any subdivision which is created after the adoption of this Section, and is located within that number of feet of an existing County owned or operated water supply and distribution system as is specified in Subsection B. below, whether the subdivision is located within or without the service area of an existing County owned or operated public water supply and distribution system, the developer or subdivider shall cause a water distribution system, meeting the standards herein specified, to be constructed and installed in such subdivision and shall further cause said water distribution system to be connected to the existing County owned or operated public water supply and distribution system which is located as specified in said Subsection B. This requirement also applies to new phases of existing subdivisions when these phases have not been previously approved by the appropriate Harnett County governing body.

The developer or subdivider may establish and create a public water supply system or connect the subdivision to an existing public water supply system. However, such created public water supply system or such water distribution system to be connected to an existing system shall be approved by and meet the requirements of all federal, state, and local governments, including but not limited to the North Carolina Department of Health and Human Resources and the North Carolina Utilities Commission.

B. Distance Specification: A subdivision shall be required to meet the conditions of this Section when the subdivision is located within that number of feet of an existing County owned or operated water supply and distribution system which equals the product of the number of lots within the subdivision (including lots to be developed in the future) multiplied by one hundred (100); PROVIDED HOWEVER, that the maximum distance required for connection shall be five-thousand (5,000) feet.

C. Subject to Capacity Sufficiency: In the event that a subdivision should meet the distance specification requirements of Subsection B. and the County owned or operated water supply and distribution system to which the subdivision would connect shall be of insufficient capacity to permit the delivery of water to said subdivision, the subject subdivision shall be relieved of the requirement to connect to such County system.

D. Review Requirements: When a developer or subdivider is required to install a water distribution system pursuant to this Section, prior to final approval of the record plat, the plans for the water distribution system to be so installed shall be submitted to the County Director of Public Utilities. The location, size and specifications of the water distribution

system shall be placed upon said plat for review and approval. The County Director of Public Utilities shall review the information supplied and determine whether the plans meet the requirements of this Section.

- E. Plan Specification: The plans for a water distribution system to be installed pursuant to this Section shall show and/or state thereon such information as will indicate that the system planned will meet, when constructed and installed, the requirements of this section.
- F. Water Distribution System Specifications: A water distribution system to be constructed within a subdivision pursuant to this Section and/or connected to the County owned or operated system shall:
1. Be properly connected in such a manner as to adequately serve all lots shown on the subdivision plat (including both present and future lots) for domestic use and fire protection.
  2. Conform to the specifications of the Harnett County Department of Public Utilities as provided by said Department and conform to the accepted standards of good practice for water system construction, as specified by the North Carolina Department of Health and Human Resources and as specified in the Harnett County water system extension policy.
  3. Be approved by the necessary federal and/or state agencies prior to or at the time of completion.
  4. Conform to all federal, state and/or local Ordinances, rules and regulations relating thereto and any license and/or permits required thereby shall be obtained.
  5. Be constructed pursuant to the necessary contractual agreements required by the policies, rules and regulations of the Harnett County Department of Public Utilities.
- G. Fire Hydrants: In major subdivisions with new roads where an adequate public water supply system is available, the developer or subdivider shall install fire hydrants in such a manner that the subdivision is afforded adequate fire protection or as provided in this Ordinance.
1. All hydrants shall be American Water Works Association approved.
  2. No fire hydrant shall be installed on less than a 6" main.
  3. Hydrants shall have two 2 1/2" and one 4 1/2" connection with threads of the National Standard Thread type.
  4. The upper hydrant operation stem within the bonnet shall be sealed and lubricated by means of an oil or grease bath. The operating nut shall be National Standard Pentagon type measuring 1 1/2" from point to flat. Hydrants shall open left.
  5. In residential districts fire hydrants shall be located in such a manner that no lot is further than five hundred feet (500) from a hydrant. The distance between hydrants, shall be measured along street centerlines. There shall be at least one (1) fire hydrant at each intersection. When residential intersections are less than seven hundred (700) feet apart, a hydrant is not required between the intersections.
  6. All hydrants shall be furnished with barrel and stem extensions as required for the final field location. Nominal minimum bury will be 3 1/2 feet.
  7. All fire hydrants shall be located on the right side of the roadway in which responding fire apparatus would travel into subdivisions.

8. All hydrants at finish grade shall measure 18" from ground to center of steamer cap.
  9. The Fire Marshal's office shall approve all hydrant types and locations in new subdivisions and any alterations to this Ordinance related to fire hydrants and fire protection.
- H. Subdivisions Where Section Not Applicable: When located outside the service area of a County owned or operated water supply and distribution system and/or outside the distance specifications, lot sizes within a subdivision may be allowed to be reduced, provided adequate water is available for domestic use from a community water system to be installed by the developer; and provided six (6) inch water lines are installed to service fire hydrant locations such that no lot is farther than five-hundred (500) feet from such a location, and stub outs with gate valves are provided at said fire hydrant locations. If the subdivision does not meet these provisions, it shall be considered under the regulations specified herein for property not having public water available.
- I. Construction Period: When a subdivision is to be developed in phases, the water distribution system required hereunder may be constructed in steps simultaneous with the development of each phase of the subdivision.

SECTION 5.3.2 SEWAGE DISPOSAL SYSTEM:

- A. Connection Requirement: Any subdivision which is created after the adoption of this Section, and is located within that number of feet of an existing County owned or operated sewage disposal system as is specified in Subsection B below, whether the subdivision is located within or without the service area of an existing County owned or operated public sewage disposal system, the developer or subdivider shall cause a sewage disposal system, meeting the standards herein specified, to be constructed and installed in such subdivision and shall further cause said sewage disposal system to be connected to the existing County owned or operated public sewage disposal system which is located as specified in said Subsection B. This requirement also applies to new phases of existing subdivisions where these phases have not been previously approved by the appropriate Harnett County governing board.
- The developer or subdivider may establish and create a public sewage disposal system or connect the subdivision to an existing public sewage disposal system. However, such created public sewage disposal system or such sewage disposal system to be connected to an existing system shall be approved by and meet the requirements of all federal, state and local governments, including but not limited to the Division of Health Services, Department of Human Resources of the State of North Carolina and the North Carolina Utilities Commission.
- B. Distance Specification: A subdivision shall be required to meet the conditions of this Section when the subdivision is located within that number of feet of an existing County owned or operated sewage disposal system which equals the product of the number of lots within the subdivision (including lots to be developed in the future) multiplied by one hundred (100); PROVIDED HOWEVER, that the maximum distance required for connection shall be five-thousand (5,000) feet.
- C. Subject to Capacity Sufficiency: In the event that a subdivision should meet the distance specification requirements of Subsection B and the County owned or operated sewage disposal system to which the subdivision would connect shall be of insufficient capacity to permit the collection and treatment of sewage from said subdivision, the subject subdivision shall be relieved of the requirement to connect to such County system.

- D. Review Requirements: When a developer or subdivider is required to install a sewage disposal system pursuant to this Section, prior to final approval of the record plat, the plans for the sewage disposal system to be so installed shall be submitted to the County Director of Public Utilities. The location, size, and specifications of the sewage disposal system shall be placed upon said plat for review and approval. The County Director of Public Utilities shall review the information supplied and determine whether the plans meet the requirements of this Section.
- E. Plan Specification: The plans for a sewage disposal system to be installed pursuant to this section shall show and/or state thereon such information as will indicate that the system planned will meet, when constructed and installed, the requirements of this section.
- F. Sewage Disposal System Specifications: A sewage disposal system to be constructed within a subdivision pursuant to this Section and/or connected to the County owned or operated system shall:
1. Be properly connected in such a manner as to adequately serve all lots shown on the subdivision plat (including both present and future lots).
  2. Conform to the specifications of the Harnett County Department of Public Utilities as provided by said Department and conform to the accepted standards of good practice for sewage system construction, as specified by the North Carolina Department of Health and Human Resources and as specified in the Harnett County sewage system extension policy.
  3. Be approved by the necessary federal and/or state agencies prior to or at the time of completion.
  4. Conform to all federal, state, and/or local Ordinances, rules, and regulations relating thereto and any license and/or permits required thereby shall be obtained.
  5. Be constructed pursuant to the necessary contractual agreements required by the policies, rules, and regulations of the Harnett County Department of Public Utilities.
- G. Construction Phased: When a subdivision is to be developed in phases, the sewage disposal system required hereunder may be constructed in steps simultaneous with the development of each phase of the subdivision.
- H. Subdivisions Where Section Not Applicable: When located outside the service area of a County owned or operated sewage disposal system and/or outside the distance specifications, lot sizes within a subdivision may be allowed to be reduced, provided adequate sewage disposal is provided from a community sewerage system to be installed by the developer. If the subdivision does not meet these provisions, it shall be considered under the regulations specified herein for property not having public sewerage disposal.
- I. All lots shall be served by an internal street system.

#### **SECTION 5.4 LOT REQUIREMENTS**

Lots shall be laid out as follows:

- A. Lot sizes, shapes, and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. Every lot shall front or abut a street for a distance of at least eighty (80) feet except on the bulb of a cul-de-sac where 40 feet will be acceptable.

- B. Extending from the front property line to the rear property line, both side lot lines shall be substantially perpendicular to the street line.
- C. Lots in subdivisions that have been zoned by the County Commissioners shall not be less in width, depth, or area than specified in the Harnett County Zoning Ordinance for the appropriate zone in which the subdivision exists.
- D. Lots in subdivisions that have not been zoned by the County Commissioners and are not served by public water and sewer shall be at least twenty thousand (20,000) square feet in area.
- E. Lots in subdivisions that have not been zoned by the County Commissioners and are served by a public water or sewer system shall be at least fifteen thousand (15,000) square feet in area.
- F. Lots in subdivisions that have not been zoned by the County Commissioners and are served by public sewer and water shall be at least ten thousand (10,000) square feet in area.
- G. Double frontage or reverse frontage lots shall be avoided except where necessary to separate residential development from through traffic or nonresidential uses.
- H. In no instance shall the length of nitrification lines (septic tank drain field) for a residential lot be less than the size determined to be adequate by the Harnett County Health Department after investigation of soil conditions, proposed individual disposal system, and depth to ground water.

**SECTION 5.5 BLOCKS**

Blocks shall be laid out with special attention given to the type of use contemplated.

- A. Block lengths shall not exceed one thousand, four hundred (1,400) feet or be less than four hundred (400) feet.
- B. Blocks shall have a sufficient width to allow two (2) tiers of lots of minimum depth. Blocks may consist of single tier lots where such are required to separate residential development from through vehicular traffic or nonresidential uses.

**SECTION 5.6 BUILDING SETBACK LINES**

All building setback lines and other dimensional requirements shall be regulated by the County’s zoning regulations and all such requirements shall conform to the zoning district in which the subdivision is located. In cases where zoning regulations are not in effect, the following setbacks shall apply: distance of structure from street right-of-way, thirty-five (35) feet; distance of structure from side property lines, ten (10) feet, except on corner lots which shall require twenty (20) feet; distance of structure from rear property lines, twenty-five (25) feet.

**SECTION 5.7 EASEMENTS**

SECTION 5.7.1 GENERAL EASEMENT REQUIREMENTS

The Harnett County Development Review Board may require easements of widths deemed adequate for the intended purpose where necessary or advisable for electric power, conduits, storm and sanitary sewers, street trees, and gas, water, and other utilities.

Unless justification can be made by the applicant as to why it is not feasible, all easements shall follow property lines.

No permanent structure shall be located within any easement. Driveways, sidewalks, and other similar means of ingress and egress shall be permitted to perpendicularly cross any easement where necessary for access.

Any lot area contained within an easement shall not be utilized to achieve the minimum square footage required for said lot.

#### SECTION 5.7.2 DRAINAGE EASEMENTS

Where a subdivision is traversed by a drainage way or stream, an adequate easement shall be provided as may be required by the DRB and other local, State, and Federal agencies. The location, width, alignment, and improvement of such drainage way or easement shall be subject to the approval of the Development Review Board. Parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, subject to review and approval by the DRB.

#### SECTION 5.7.3 OFF-SITE SEPTIC EASEMENTS

In cases where suitable soils are not available for the establishment of on-site septic system and repair area, off-site septic easements shall be permitted according to the following requirements:

##### General Off-Site Septic Usage Requirements

Prior to approval of an off-site septic easement, applicants shall attempt to adjust lot lines or recombine parcels to acquire adequate, suitable soils for an on-site septic system.

All septic systems, septic lines, and repair areas shall be designed by a Registered Professional Engineer or Licensed Soil Scientist.

Any lots for which an off-site septic system is either used or located shall be identified on the Deed of Record.

##### Major Subdivisions

Individual off-site septic systems shall be limited based upon the number of lots on the approved preliminary subdivision plat. No more than ten percent (10%) of the total lots shall utilize off-site septic systems. In cases where the number of lots changes, the number of allowable off-site septic systems shall be adjusted accordingly.

Off-site septic easements shall be contained only within common open space of the subdivision.

All off-site septic easements shall be separate and distinct from one another and shall be of sufficient size to accommodate the total area required by the Harnett County Department of Environmental Health, plus any additional area necessary to allow vehicular movement for repair or expansion purposes in case of future system failure.

Common open spaces areas shall have a minimum of one (1) access easement to allow for utilization by all owners of property within the subdivision. Access easements shall be a minimum of twelve (12) feet in width and shall include an identification sign.

All supply line systems shall be installed by a professional licensed to do said work and shall be inspected and approved the Harnett County Department of Environmental Health prior to approval and recordation of the final subdivision plat.

A Declaration of Covenants and/or Homeowners' Association By-Laws shall state the following:

All benefits and burdens of the covenants and restrictions shall be binding upon the successive owners of each parcel.

Those lots burdened by access easements shall be explicitly identified.

Homeowners' Association shall conduct a program of regular septic easement monitoring, maintenance, and repair. Said program shall be published and recorded in the Harnett County Register of Deeds including a reference of the map book and page of the final subdivision plat map.

##### Minor Subdivisions

No minor subdivision shall utilize off-site septic easements.

##### Existing Lots

Regulations regarding location of off-site septic systems and easements within common open space areas shall not apply to septic system, septic line, and repair area failures on existing lots.

Any failure shall be determined by the Harnett County Department of Environmental Health or other appropriate local, State, or Federal agency.

Applicant shall attempt to locate off-site septic systems on a lot immediately adjacent to the lot on which the failure occurred. Lots separated by right(s)-of-way shall not be considered immediately adjacent.

### **SECTION 5.8 ELECTRICAL UTILITIES**

All electrical, cable, and telephone utilities shall be placed underground.

### **SECTION 5.9 STREET LIGHTING**

Adequate lights shall be provided to illuminate streets, common driveways, walkways and dead end streets for the safe movement of vehicles and pedestrians at night. The minimum size streetlight shall be a 175 watt Mercury-vapor (approximately 7,000 lumen class) or its equivalent, spaced at intervals not more than three hundred (300) feet.

### **SECTION 5.10 STREETSCAPE BUFFERS**

All subdivisions with more than six (6) lots that have lots that abut a state maintained road shall be required to adhere to the following streetscape buffer requirements for all lots that adjoin an existing state maintained road:

- A. Developments with lots that abut a major thoroughfare shall be buffered with a minimum thirty (30) foot buffer measured from the right-of-way.
- B. Developments with lots that abut all other state maintained roads shall be buffered with a minimum fifteen (15) foot buffer measured from the right-of-way.

#### **SECTION 5.10.1 STREETSCAPE BUFFER TYPES**

One (1) of the following screening techniques must be used within all buffers:

- 1. A row of evergreen conifers or broadleaf evergreens placed not more than five (5) feet apart which would grow to form a continuous hedge of at least six (6) feet in height within two (2) years of planting supplemented with large maturing trees every fifty (50) feet; or
- 2. A masonry wall located within the required buffer; such wall shall be a minimum height of six (6) feet (above finished grade;) and, if a block wall, it shall be painted on all sides, supplemented with large maturing trees every fifty (50) feet; or an opaque fence six (6) feet in height finished side of fence must face out supplemented with large maturing trees every fifty (50) feet; or
- 3. A berm (maximum of 3:1 slope) and planting combination, with the berm an average height of three (3) feet and dense plantings which will, when combined with the berm, achieve a minimum height of six (6) feet and seventy-five (75) percent opacity within two (2) years.

#### **SECTION 5.10.2 STANDARDS FOR TREES AND SHRUBS**

Required trees and shrubs shall meet the following standards:

- 1. Shrubs shall be a minimum of three (3) Gallon at time of planting.
- 2. All required large maturing trees shall have a minimum caliper of two (2) inches measured six (6) inches above the proper planting level.

3. All specifications for the measurement, quality, and installation of trees and shrubs shall be in accordance with the American Standards for Nursery Stock published by the American Association of Nurserymen, free of disease, and in otherwise sound and healthy condition.

#### SECTION 5.10.3 EXISTING VEGETATION

The retention of existing vegetation shall be maximized to the extent practical, wherever such vegetation contributes to required buffering and screening or to the preservation of significant trees.

#### SECTION 5.10.4 MODIFICATION OF PLANTING TYPES

If it is demonstrated that existing vegetation meets the intent of this section, the subdivision administrator may waive the requirements for the plant material.

#### SECTION 5.10.5 ALTERNATIVE BUFFERS AND SCREENING

In lieu of compliance with the above buffer and screening requirement, an applicant may submit to the DRB for review and approval a detailed plan and specifications for streetscape buffering. The DRB may approve the alternative streetscape buffering, upon finding that the proposal will afford a degree of buffering and screening, in terms of height, opacity and separation to or exceeding that provided by the above requirements.

#### SECTION 5.10.6 OWNERSHIP AND MAINTENANCE OF STREETSCAPE BUFFERS

The developer shall be completely responsible for the installation and initial maintenance of all required streetscape buffers; until ownership changes through one of the methods described below:

- A. Ownership with a homeowners association: In the situation where a homeowners association will be established for the proposed subdivision then the homeowners association shall be responsible for modifications, maintenance, removal, or damage to the streetscape buffer. This requirement shall be clearly labeled on the preliminary and final plats for all proposed subdivisions.

Note: (The developer shall remain responsible for all ownership and maintenance of streetscape buffers until a homeowners association has been completely established.)

- B. Ownership without a homeowners association: In the situation where there is not going to be a homeowners association established for the proposed subdivision then the streetscape buffer shall be left under control of the lot owner provided that each lot that contains a streetscape buffer must have a deed recorded with a restriction that the streetscape buffer remain undisturbed, further the restriction must state that the land owner shall be responsible for modifications, maintenance, removal, or damage to the streetscape buffer. This requirement shall be clearly labeled on the preliminary and final plats for all proposed subdivisions.

#### SECTION 5.10.7 PROHIBITED USES WITHIN THE STREETSCAPE BUFFERS

The following uses shall be prohibited from being located within the streetscape buffer.

1. All Structures
2. Storage of equipment
3. Playground equipment and other similar structures
4. Driveways with the exception of main entrances to the subdivisions.

### **SECTION 5.11 RECREATION, OPEN SPACE, & HOMEOWNERS' ASSOCIATION**

### 5.11.1 RECREATION

- A. All residential subdivisions and developments, except minor subdivisions, shall provide funds to the county whereby the county may acquire public recreation and park land or areas to serve the development or subdivision in the immediate area.
- B. The amount of such fee shall be the product of the total number of dwelling units and/or building lots located in the development or subdivision multiplied by the recreation fee as established by The Harnett County Board of Commissioners.
- C. The fee must be paid prior to approval of a final plat for the subdivision, provided that payments may be phased in accordance with the approved phasing of the subdivision.
- D. The county may transfer funds paid by one or more subdivisions to a municipality or make arrangements for the joint county/municipal expenditure of the funds where the county determines that such transfer or arrangements would better ensure the funds will be used to acquire public recreation and park areas that will serve the recreational needs of the development and developments in the immediate area.

### 5.11.2 OPEN SPACE

- A. The Board of Commissioners declares the purposes and intent of the open space regulations adopted and prescribed in this Section to be as follows:
  - 1. To provide adequate active recreational areas and passive open space;
  - 2. To provide prime views and open vistas, providing relief from an urban landscape;
  - 3. To encourage the preservation of existing trees and vegetation;
  - 4. To encourage the retention of environmentally sensitive areas, such as, steep slopes, bodies of water, streams, wetlands and land adjoining the Cape Fear River;
  - 5. To encourage the protection of air and water quality;
  - 6. To enhance flood control; and
  - 7. To provide protection for historically or archeologically significant areas.
- B. For purposes of this document, usable open space means an area that:

1. Is not encumbered with any structure unless such structure is intended for recreational purposes;
  2. Is not contained within a road right-of-way or otherwise devoted to use as a roadway or parking area not associated with the use of the open space;
  3. Is left in its natural or undisturbed state (as of the date development began), if wooded (except for the cutting of trails for walking or jogging) or, if not wooded at the time of development, is landscaped for ballfields, picnic areas, play areas, or similar recreational facilities, or is properly vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with the objective set forth in;
  4. Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation;
  5. Is legally and practicably accessible to the residents of the development out of which the required open and recreational space is taken, or to the public if dedication of the open and recreational space; and
  6. Is not encumbered by underground septic lines, any part of a sewage disposal system, or any above-ground or below-ground structure private septic related structure.
- C. The following areas shall be regarded as open space where such areas satisfy the criteria set forth in the above section:
1. Public Utility easements located outside of street rights of way such as drainage, access, sewer or water lines or other public purpose;
  2. Private cemeteries located on a tract prior to its development;
  3. Areas used for growing crops if and to the extent that such occurs with an area that is subject to approval of ownership
  4. Agricultural and horticultural uses, Specifically excluding commercial livestock operations
  5. Pastureland for horses used solely for recreation purposes
  6. Public or private recreational facilities
  7. Neighborhood open space uses such as village greens, community gardens, and trails
  8. Golf or tennis club open to the public.
- D. Design Standards for Open Space
1. All floodplains, wetlands, streams, ponds, lakes, and other water bodies are encouraged to be contained in open space area.
  2. For developments located entirely or partially within a Conservation Zoning District that surrounds a water feature (wet or dry):
    - a. A minimum of fifty percent (50%) of the depth of the District (measured perpendicularly from the water feature and located closest to the water feature) shall be dedicated to open space.
    - b. This dedication of open space shall count towards any other open space requirements.

3. Prime Views and Open Vista Requirements - This area will be defined as the area between existing road rights of way and property line of proposed lots for the new development
  - a. Developments located adjacent to Interstate and Principle Arterials shall provide a 200 foot minimum of prime views
  - b. Developments located adjacent to Minor Arterials and Major and Minor Collectors shall provide a 100 foot minimum of prime views.
  - c. Developments located adjacent to all other street types shall provide a 75 foot minimum of prime views.
4. All open space area shall be permanently restricted from future subdivision and development unless specifically stated here in.
5. Common open space areas shall have a minimum of one (1) access easement to allow for utilization by all owners of property within the subdivision. Access easements shall be a minimum width of twelve (12) feet in width and shall include an identification sign.

#### E. Ownership Options

1. It or any portion thereof may be dedicated to the County of Harnett for public use or any municipality located within the jurisdiction of Harnett County. Any dedication must be formally accepted by the County or municipality to be valid. Nothing in this Ordinance in any way obligates the County to accept the dedication of any property.
2. The Common Open Space or any portion thereof may be retained, operated, and maintained by the developer and/or development owner if a legal document is submitted to the County prior to the issuance of a building permit binding in perpetuity the Common Open Space to be used as such and to be maintained in an appropriate manner. If at any future date the owner and operator of the Common Open Space and its facilities wishes or is required to relinquish control of such facilities, the Common Open Space shall be conveyed as described above, dedicated to the County for public use, or sold with all operating requirements and legal obligations still binding. The Common Open Space shall forever be part of the Planned Unit Development.
3. Condominium Association - All common facilities and open space areas may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant state law.
4. Non-profit conservation organization
5. Private Ownership

#### F. Flexibility in Administration Authorized

1. The requirements set forth in this Section concerning the amount, size, location and nature of open space to be provided in connection with residential developments are established by the Board of County Commissioners as standards that presumptively will result in the provision of that amount of open space that is consistent with generally recognized standards relating to the need for such areas. The Board recognizes, however, that due to the particular nature of a tract of land, or the particular type or configuration of development proposed, or other factors, the underlying objectives of this Section may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the Planning board is authorized to permit minor deviations from these standards whenever it determines

that (i) the objectives underlying these standards can be met without strict adherence to them and (ii) because of peculiarities in the developer's tract of land or the particular type or configuration of the development proposed, it would be unreasonable to require strict adherence to these standards.

2. Whenever the Planning Board authorizes some deviation from the standards set forth in open space requirement, the official record of action taken on the development application shall contain a detailed statement of the reasons for allowing the deviation.

### 5.11.3 SIDEWALKS

Sidewalks required by this section shall be designed and constructed in accordance with the following standards:

- A. The sidewalk shall be constructed of concrete material
- B. The subdivider shall bear the costs of the installation of the sidewalks required for all new or existing streets within the subdivision in accordance with specifications of the county. In lieu of requiring the installation prior to final plat approval the subdivider may enter into an agreement with the county in accordance with Article III, Section 3.7.2.
- C. Shoulders shall be sufficient to permit the adequate installation and maintenance of sidewalks and utilities, as well as provide sufficient clear zone distance as defined by NCDOT.
- D. The minimum thickness of a sidewalk shall be 4 inches. (Sidewalks shall have a uniform slope toward the roadway of  $\frac{1}{4}$  inch per foot.) The utility strip between the sidewalk and the back of curb shall not be less than  $\frac{1}{4}$  inch per foot nor greater than  $\frac{1}{2}$  inch per foot toward the roadway.
- E. Where sidewalks and/or greenways intersect any section of curb and gutter, a wheelchair ramp shall be installed. In all other instances, the regulations of the American's with Disabilities Act must be adhered to.
- F. Grooved construction joints shall be cut to a depth equal to at least  $\frac{1}{3}$  of the total slab thickness. The joint shall be no less than  $\frac{1}{8}$  inch in width and cut at intervals equal to the width of the sidewalk. A  $\frac{1}{2}$ -inch expansion joint filled with joint filler shall be placed between all rigid objects and placed no farther than 50 feet apart for sidewalks and curb and gutter, extending the full depth of the concrete with top of the filler  $\frac{1}{2}$  inch below the finished surface.
- G. Maintenance of sidewalks will be the responsibility of the homeowners' association or comparable individual, or group that has responsibility for other common areas. Maintenance of sidewalks shall be addressed in the organizational papers and by-laws.
- H. Sidewalks shall be located within the dedicated, non-paved portion of the street right-of-way as follows unless otherwise noted:

<b>STREET CLASSIFICATION</b>	<b>LOCATION</b>	<b>MINIMUM WIDTH</b>	<b>MINIMUM DISTANCE OFF BACK OF CURB</b>
Major Thoroughfare	Both sides of street	5'	6.5'
Minor Thoroughfare	Both sides of street	5'	5.5'
Collector, Local or Cul-de-Sac Streets in any Non-residential or Multi-Family Development	Both sides of street	5'	3.5'
All streets in any Neo-Traditional Development	Both sides of street	5'	3.5'
Collector Street in any Residential Development	One side of street	4'	3.5'
Local Street or Cul-de-Sac Street in any residential Development	One side of street	4'	3.5'
Private Street	Same standard as above for comparable Public Street		

#### 5.11.4 CURB AND GUTTER

All curb and gutter sections shall be concrete and meet Division of Highways Standards. In the instance where redevelopment is taking place of an existing use, such as Mobile Home Parks or other similar uses with an existing street system in place that is currently utilizing asphalt curb and gutter that is built to N.C. Department of Transportation standards, then asphalt curb and gutter may be allowable upon approval by the Development Review Board. Further all new street additions to the development may also be allowed to continue to use the asphalt curb and gutter in order to make the development consistent in appearance throughout as long as the total linear feet of new street additions does not exceed the total linear feet of the existing street system. All Neo-Traditional designed lots shall conform to North Carolina Department of Transportation Traditional Neighborhood Development Guidelines.

#### 5.11.5 STREET TREES

- A. The subdivider or developer of developments of more than 6 residential lots or 6 dwelling units shall either plant or retain existing healthy trees so that there is for every 50 linear feet of street at least one deciduous street tree. Street trees shall be planted or retained along both sides of newly created public or private streets.
- B. Street trees shall be of species that is expected to attain a minimum height of 25 - 35 feet at maturity. Where required street trees are located under overhead utility lines, the species shall be of a type to reach a maximum of 20 to 25 feet. All street trees shall be at least 2 inches in caliper and a minimum of 6 feet at the time of planting.
- C. Street trees shall be planted in a linear arrangement parallel to the street no less than 5 feet and no more than 10 feet outside the right of way. Street trees shall be planted at least 8 feet from utility poles and 10 feet from electrical transformers.
- D. Plans for street tree planting and retention of existing trees shall be approved by the NCDOT for all streets proposed to be dedicated as public streets.
- E. In lieu of requiring the installation prior to final plat approval the subdivider may enter into an agreement with the county in accordance with Article III, Section 3.7.2.
- F. Street Tree requirements shall be waived on any Local Street or Cul-de-Sac Street in any residential Development

## **SECTION 5.12 HOMEOWNERS' ASSOCIATION (HOA)**

- A. A copy of the recorded organizational papers and by-laws shall be submitted at the final plat review stage to the DRB for review and approval.
- B. The Homeowners' Association shall be established before the homes or units are sold.
- C. Membership shall be mandatory for each buyer, and any successive buyer. No property shall be removed from the HOA without approval from the County Commissioners.
- D. The developer or any subsequent developer shall manage the Homeowners' Association, which shall be responsible for all maintenance of the development, until sixty percent (60%) of all units to be sold are sold.
- E. The Homeowners Association shall be managed on a non-profit basis; however, nothing herein shall be construed to prohibit the payment of a fair market management fee to the developer.
- F. The Developer shall have the right to maintain control of and manage the Homeowners Association (1) until 98% of the total dwelling units planned are conveyed to residents or (2) for ten years from the date that the first plat in the development is recorded plus one year for each fifty units planned in excess of one hundred units or (3) for fifty years from the date that the first plat in the development is recorded, whichever shall first occur.
- G. The developer, or development owner, shall pay all fees levied by the Homeowners' Association on any improved lot which it owns and for which a final plat has been recorded in the Harnett County Register of Deeds, just as any other lot owner.
- H. The Homeowners' Association shall be responsible for liability insurance, payment of local taxes and maintenance of recreational and other facilities. Any dues or fees levied by the Homeowners' Association that remain unpaid, shall become a lien on the individual property. The Homeowners' Association shall be able to adjust the assessment to meet changing needs.

---

## **ARTICLE VI. IMPROVEMENTS**

---

### **SECTION 6.0 GENERAL**

Subdivisions may be developed by sections. Each section shall be submitted as a final plat to be recorded in the Office of the Register of Deeds. However, the initial Preliminary Plat must show all Sections or Phases of the Subdivision.

Improvements shall be installed in accordance with the requirements and standards set forth in this Ordinance and other specifications and policies of Harnett County. All improvements shall be inspected and approved by the Subdivision Administrator in conjunction with any other Harnett County Department or state or federal agency as may be required.

### **SECTION 6.1 REQUIRED IMPROVEMENTS**

#### **SECTION 6.1.1 PERMANENT MONUMENTS**

All permanent monuments shall be of a type in compliance with the state statutes regulating licensed surveyors.

#### **SECTION 6.1.2 LOT CORNERS**

All lot corners, other than those marked by permanent monuments as herein described, shall be marked in a type in compliance with the state statutes regulating licensed surveyors.

#### **SECTION 6.1.3 SURFACE WATER DRAINAGE**

The subdivider shall do all grading and install all drainage structures shown on the preliminary plat for the area specified by the final plat.

#### **SECTION 6.1.4 RECREATION AND PARK DEVELOPMENT**

- A. All residential subdivisions and developments, except minor subdivisions, shall provide funds to the county whereby the county may acquire public recreation and park land or areas to serve the development or subdivision in the immediate area.
- B. The amount of such fee shall be the product of the total number of dwelling units and/or building lots located in the development or subdivision multiplied by the recreation fee as established by The Harnett County Board of Commissioners.
- C. The fee must be paid prior to approval of a final plat for the subdivision, provided that payments may be phased in accordance with the approved phasing of the subdivision.
- D. The county may transfer funds paid by one or more subdivisions to a municipality or make arrangements for the joint county/municipal expenditure of the funds where the county determines that such transfer or arrangements would better ensure the funds will be used to acquire public recreation and park areas that will serve the recreational needs of the development and developments in the immediate area.

#### **SECTION 6.1.5 EROSION AND SEDIMENTATION CONTROL**

The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented in accordance with plans and specifications and within such time periods approved by the DRB.

Where applicable, erosion and sedimentation control provisions shall be in conformity with the appropriate state regulations.

SECTION 6.1.6 GUIDELINES FOR HANDICAPPED PERSONS

In order to remove restrictive barriers which severely impede the daily movements of physically handicapped and elderly persons, the subdivider shall comply with all requirements in North Carolina General Statute 136-44.14.

---

## **ARTICLE VII. ADMINISTRATION**

---

### **SECTION 7.0 ADMINISTRATION**

This Ordinance shall be administered by the Manager of Planning Services of the Harnett County Planning Department and is hereby so designated by adoption of this Ordinance.

#### **SECTION 7.1 VARIANCES**

The Planning Board may vary from the design standards and improvements required by this Ordinance, after finding that the following conditions exist:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures.
- B. Granting the variance requested will not confer upon the subdivider any special privileges that are denied to others.
- C. A literal interpretation of the provisions of this Ordinance would deprive the subdivider of rights commonly enjoyed by others.
- D. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.
- E. The special circumstances are not the result of the actions of the subdivider.
- F. The variance requested is the minimum needed.
- G. The burden of producing substantial evidence to support the required findings by the Planning Board is clearly upon the applicant. The Planning Board shall deny any request for a variance that is not directly supported by substantial and credible evidence.
- H. Land uses on adjoining property may be considered by the Planning Board during its deliberation. However ownership of any adjoining property by direct lineal descendants or direct lineal ascendants of the applicant or subdivider shall not be considered by the Planning Board.

No variance shall be granted which conflicts with any other local, state, or federal statutes, Ordinances, or regulations. The subdivider shall submit a written request and justification for any such variance and the Planning Board may attach to the granting of such a variance any conditions necessary to insure that the purpose and intent of this Ordinance is not compromised.

#### **SECTION 7.2 AMENDMENT**

The Harnett County Commissioners may from time-to-time amend these regulations pursuant to the North Carolina General Statutes 153A-323, 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 recommendations. The Planning Board shall have forty (40) days within which to submit a report. If the Planning Board fails to submit a report to the Commissioners within the specified time, it shall be deemed to have approved the amendment.

#### **SECTION 7.3 FEES**

The Harnett County Commissioners shall establish the fees to be paid by the subdivider for review of all subdivision plats. No subdivision plats shall be processed until all required fees have been paid.

#### **SECTION 7.4 DUTY OF REGISTER OF DEEDS**

The Planning Board of Harnett County shall file a copy of this Ordinance with the Register of Deeds of Harnett County. The Register of Deeds shall not thereafter file or record a plat of a subdivision located within the territorial jurisdiction of Harnett County without the approval of the DRB and the County Commissioners, as required in this Ordinance. The filing or recording of a plat of a subdivision without the approval of the DRB and the County Commissioners as required by this Ordinance, shall be null and void. The Clerk of Superior Court of Harnett County shall not order or direct the recording of a plat where such recording would be in conflict with this section.

#### **SECTION 7.5 PENALTY**

If a person who is owner or agent of the owner of any land located within the territorial jurisdiction of Harnett County 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 this Ordinance and recorded in the Office of the Register of Deeds of Harnett County, he shall be guilty of a Class 3 misdemeanor. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring land does not exempt the transaction from this penalty.

Any person violating any provisions of this Ordinance or who shall violate or fail to comply with any order made thereunder, shall be punishable by a fine not to exceed five hundred dollars (\$500.00). Each day such a violation shall be permitted to exist shall constitute a separate offense.

#### **SECTION 7.6 EFFECTIVE DATE**

This Ordinance is hereby established and declared to be in full force and effect from and after its passage.