

SUBDIVISION ORDINANCE

Cumberland County North Carolina



(March 2000 with amendments through August 2006)

Cumberland County Joint Planning Board

Cumberland County Code
Appendix B—Subdivision Regulations

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APPENDIX B

SUBDIVISION REGULATIONS*

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ARTICLE I. PREAMBLE

SECTION 1.1. PURPOSE

The purpose of this ordinance is to establish regulations and procedures for the platting, recording and development of real property within Cumberland County. The Board of Commissioners of Cumberland County hereby finds that these regulations and procedures are necessary in order to promote the orderly development of the county; provide for the coordination and dedication of streets and thoroughfares; provide for the dedication of land for other public purposes; insure the proper installation of streets, public utilities and other community facilities, promote the eventual elimination of unsafe and unsanitary conditions arising from improper land subdivision and development; insure proper description, identification, monumentation and recording of subdivision properties; and ultimately promote the public health, safety and general welfare. (Comp. Ords., §3-1.1; Amendment of 7-23-96)

SECTION 1.2. AUTHORITY AND ENACTMENT

The Board of Commissioners of Cumberland County, pursuant to the authority conferred by Chapter 153, Article 20A, Section 266.1, et seq. [Chapter 153A, Article 18, Part 2, Section 153A-330 et seq.] of the General Statutes of North Carolina, does hereby ordain and enact into law these articles and sections. (Comp. Ords., § 3-1.2; Amendment of 7-23-96)

***Cross references**—Erosion and sedimentation control, Chapter 6; buildings and building regulations, Chapter 4; mobile homes, Chapter 8; zoning, App. A.

State law references—Authority of county to levy taxes to provide for a program of subdivision control, G.S. § 153A-149(c)(26); subdivision regulation, § 153A-330 et seq.

SECTION 1.3. SHORT TITLE

This ordinance shall be known and may be cited as the “Cumberland County Subdivision Ordinance.”

(Comp. Ords., § 3-1.3; Amend. of 7-23-96)

SECTION 1.4. JURISDICTION

This ordinance shall control the subdivision of land, as defined herein, lying within the boundaries of Cumberland County, provided that this ordinance shall not apply within the subdivision regulation jurisdiction of any municipality in the county as now or hereafter established except as permitted by North Carolina General Statute 153-266.1 [Section 153A-330].

(Comp. Ords., § 3-1.4; Amend. of 7-23-96)

SECTION 1.5. PLATTING AUTHORITY

The Board of Commissioners of Cumberland County, as permitted by the authority conferred by Chapter 153, Article 20A, Section 266.1 et seq. [Chapter 153A, Article 18, Part 2, Section 153A-330 et seq.] of the General Statutes of North Carolina, does hereby designate the Cumberland County Joint Planning Board as administrator of this ordinance with authority to grant preliminary and final plat approval in accordance with the provisions of this ordinance.

(Comp. Ords., § 3-1.5; Amend. of 7-23-96)

SECTION 1.6. COMPLIANCE WITH ORDINANCE REQUIRED

All plats for the subdivision of land shall conform to the requirements of this ordinance, and shall be submitted in accordance with the procedures and specifications established herein. Plans for Mobile Home Parks, Group Developments, Variable Lot Residential Developments, Zero Lot Line Developments, and Condominium Developments shall be submitted in the same manner as other plats.

(Comp. Ords., § 3-1.6; Ordinance of 7-29-82; Amend. of 7-23-96)

SECTION 1.7. PLATS TO BE APPROVED

After the effective date of this ordinance, no subdivision plat of land, as defined in Section 1.8, within the jurisdiction of this ordinance, shall be filed or recorded until it shall have been submitted to and approved by the planning department as hereinafter provided, and no land shall be sold or transferred by reference to a subdivision plat; except those recorded prior to the effective date of this ordinance, that has not been approved and recorded in accordance with the provisions of this ordinance.

SECTION 1.8. DEFINITIONS

Unless otherwise expressly stated, the following words shall, for the purpose of this ordinance, have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural, and the plural the singular. The word “shall” is mandatory, not directory. For the purpose of this ordinance, the following definitions shall apply:

- a. *Board of commissioners or commissioners.* The Cumberland County Board of Commissioners.
- b. *Building rear yard.* A line parallel to the rear property line, extending across the full width of the lot, thus creating a rear yard in which no principal structure shall be built.
- c. *Building setback line.* A line parallel to the front property line, extending across the full width of the lot, thus creating a front yard in which no structure shall be built.
- d. *Building side yard.* A line parallel to the side property lines, extending across the full depth of the lot, thus creating a side yard in which no principal structure shall be built.
- e. *Condominium (unit ownership) development.* A project of two (2) or more units in one (1) or more multi-unit buildings designed and constructed for unit ownership as permitted by the North Carolina Unit Ownership Act [G.S. § 47A-1 et seq.], when approved under the requirements for condominium developments set forth in Section 3.23 of the Subdivision Ordinance.
- f. *County.* Cumberland County
- g. *Crosswalk.* A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
- h. *Farmland Protection Area.* An area defined and adopted by the Board of Commissioners, and denoted on the Land Use Plan Map, for protection of the agricultural industry and the rural character; and the preservation of farmland and consists of the remainder of the county area outside the Urban Services Area.
- i. *Group Development.* A group of two (2) or more principal structures or three (3) or more mobile homes built on a single lot, tract or parcel of land at least 40,000 square feet and designed for occupancy by separate families, business firms or other enterprises as regulated in Section 3.21.

- j. *Health Department.* The Cumberland County Health Department.
- k. *High voltage line.* A high voltage line is any electrical line 25kv or greater.
- l. *Highway Commission.* The North Carolina State Highway Commission (now the Department of Transportation).
- m. *Lot.* A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development or both. The word “lot” includes “plot,” “tract,” etc.
- n. *Lot corner.* A lot abutting upon two (2) or more streets or roads (including platted or provided at unopened streets or roads) at their intersection. A lot abutting on curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an angle of less than 135 degrees.
- o. *Lot, interior.* A lot other than a corner lot.
- p. *Lot lines.* The property lines bounding a lot.
- q. *Lot measurements.*
 - (1) Depth of lots shall be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
 - (2) Width of lots shall be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the building line.
- r. *Lot, through.* An interior lot having a frontage of two (2) streets.
- s. *Mobile home.* A movable or portable dwelling of 32 feet in length and over eight (8) feet wide, constructed to be towed on its own chassis and designed without permanent foundation for year-round occupancy, which includes one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity or of two (2) or more units separately towable but designed to be joined into one (1) integral unit, as well as a portable dwelling composed of a single unit. Any such structure to be classed as a mobile home must be constructed in accordance with State of North Carolina Regulations for Mobile Homes. Further, any structure meeting all the requirements specified in the North Carolina State Building Code for One- and Two-Family Dwellings shall not be considered a mobile home for the purpose of this ordinance.
- t. *Mobile home park.* Any site or tract of land upon which is [are] located three (3) or more mobile home dwellings capable of being occupied for dwelling or

sleeping purposes, regardless of whether a charge is made for such services; and, which meets the minimum area requirements of this ordinance. (Ordinance of 2-24-87)

- u. *Municipal Influence Area.* Areas within the Urban Services Area that are assigned to a specific municipality where that municipality's standards shall be applicable. The official Municipal Influence Area Map shall be filed with the County Clerk and maintained by the Planning Board. The map shall be amended by a municipality submitting a request to the Cumberland County Board of Commissioners for approval.
- v. *NAPZ.* Noise and Accident Potential Zones mapped around all the airport facilities (both civilian and military) in the county as defined in the most recent Fayetteville Regional Airport Master Plan, the Joint Compatible Land Use Policy Study, 1991, the Air Installation Compatible Use Study, April 1990, or the most recent study delineating these areas.
- w. *Planning Board or Board.* The Cumberland County Joint Planning Board.
- x. *Planning Director.* The Director of Planning of the Cumberland County Joint Planning Board.
- y. *Principal structure.* A structure in which is conducted the principal use of the lot on which it is situated.
- z. *Private water system.* Anything that is not public or identical to subsection "bb" below.
- aa. *Public water and/or sewer systems.* Shall include municipal, sanitary district, community and privately owned water and/or sewer systems as regulated and controlled by the North Carolina State Utilities Commission and the Health Department.
- bb. *Public water supply.* Has fifteen (15) or more connections or serves more than twenty-five (25) customers and is regulated by the State of North Carolina.
 - (1) *Community water.* Serves fifteen (15) or more connections or twenty-five (25) year-round residents (example, rest home).
 - (2) *Noncommunity water.* Serves twenty-five (25) of the same people six (6) or more months out of the year (example, school or day care).
 - (3) *Transient noncommunity.* Serves twenty-five (25) or more people at least sixty (60) days out of the year, not necessarily by the same people.
 - (4) *Purchased water system.* Water purchased from a public water supply.

cc. *Rural density development.* Residential development having density of two (2) units or less per acre.

(Amend. 10-2-00)

dd. *Sidewalks, concrete.* Concrete sidewalks shall have a minimum width of thirty-six (36) inches, a minimum of four (4) inches thickness for areas subject to pedestrian traffic, a minimum of seven (7) inches thickness for areas subject to vehicular traffic, joints spaced every three (3) feet, and a minimum 3,000 PSI compressive strength.

(Amend. of 10-2-00)

ee. *Street, public.* A public right-of-way for vehicular traffic. The word "street" includes, but is not limited to, "road, freeway, expressway and thoroughfare."

- (1) *Official Thoroughfare Plan.* Any thoroughfare plan that has been adopted by the Board of County Commissioners or governing body of any municipality in the county.
- (2) *Freeways and expressways.* The primary function of freeways and expressways is to move large volumes of interurban, intercounty and interstate traffic. They are not intended to serve the abutting property and, therefore, should provide limited access with grade separations at all intersections. They should be at least four-lane divided facilities permitting as high an average operation speed as legal and should connect the major economic, recreation and population centers of the county with those of the state and nation.
- (3) *Major thoroughfares.* Primarily for the movement of heavy volumes of traffic, major thoroughfares should form connections with all the industrial, commercial and population centers within the county and with the major roads in neighboring counties. Depending upon anticipated traffic volumes and adjacent development, they may be two-lane, four-or-more-lane undivided, or four-or-more lane divided facilities with either limited or controlled access and with major intersections separated. Though their primary function is to serve traffic, they may also serve abutting property with controlled access.
- (4) *Minor thoroughfares (collectors).* The main function of the minor thoroughfares is to collect traffic from the local roads and carry it to the major thoroughfares. They should be designed to serve a limited area with no access control or grade separation.
- (5) *Local street.* A local street designed primarily for access to abutting properties.
- (6) *Cul-de-sac.* A local street permanently terminated by a turn-around.

- (7) *Marginal access street.* A local street which parallels and is immediately adjacent to a major thoroughfare, freeway or expressway, and which provides access to abutting property and protection from through traffic.
- ff. *Subdivision.* A “subdivision” shall include all divisions of a tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets, provided, however, that the following shall not be included within this definition nor be subject to the regulations authorized by this article:
- (1) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
 - (2) The public acquisition by purchase of strips of land for the widening or opening of streets;
 - (3) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in this Subdivision Ordinance;
 - (4) The division of a tract in a single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the county as shown in this Subdivision Ordinance.

However, plats in categories (3) and (4) shall have the planning board’s stamp “No Approval Required” before filing in the office of the registrar of deeds inasmuch as a determination must be made as to whether or not the resultant lots are equal to or exceed the standards of the county as shown in this Subdivision Ordinance.

gg. *Suburban density development.* Residential development having a density of less than five (5) and more than two (2) units per acre.
(Amend. of 10-2-00)

- hh. *Superblock.* A large developable piece of land exceeding one thousand eight hundred (1,800) feet in length surrounded by a street, divided by a minimum ten-foot multipurpose easement or public right-of-way, with a minimum five-foot-wide paved walk every one thousand eight hundred (1,800) feet.
- ii. *Urban density development.* Residential development having a density of five (5) or more dwelling units per acre.

(Amend. of 10-2-00)

jj. *Urban Services Area.* An area defined and adopted by the Board of County Commissioners and denoted on the Land Use Plan Map as being suitable for supporting urban development due to the availability of existing or proposed urban services. Appropriate residential development densities would include urban and suburban densities.

kk. *Variable lot residential development.* A variable lot residential development shall consist of single-family residential structures on individual lots where the developer may reduce the size of such lots in accordance with Section 3.22 of the Subdivision Ordinance while maintaining applicable overall density standards for the zoning district in which located.

ll. *Zero lot line development.* A development including, but not limited to, patio homes, town houses, and businesses consisting of one (1) or more structure(s) comprising at least two (2) single-family residences or businesses, whether attached or detached, intended for separate ownership, and developed in accordance with Section 3.24 of this Ordinance.

(Comp. Ords., § 3-1.8; Ord. of 7-29-82; Ord. of 2-23-88; Amend. of 7-23-96)

Editor's Note—The statutory definition of “subdivision” includes the division of land into parcels greater than 10 acres if no street right-of-way dedication is involved. G.S. § 153A-335.

SECTION 1.9. URBAN SERVICES AREA

Because certain areas of the county are developing at a greater density rate than other areas and will eventually be served by municipal governments, it is necessary that these urban areas be developed to an urban standard. The map entitled Cumberland County Urban Services Area is hereby adopted as part of this ordinance. Developments subject to review under this ordinance and located in the Urban Services Area shall meet the standards outlined by this ordinance for the Urban Services Area.

(Ordinance of 2-21-94; Amendment of 7-23-96)

SECTION 1.9.1. FORT BRAGG SPECIAL INTEREST AREA

Because of the location of known habitat and forage areas of the Red-Cockaded Woodpecker on the Fort Bragg Reservation, and on privately owned land in close proximity to the Fort Bragg Reservation, Fort Bragg has a special interest in the development that occurs on these privately owned properties. The map entitled Fort Bragg Special Interest Area is hereby adopted as part of this Ordinance. Development subject to review under this ordinance and located in the Fort Bragg Special Interest Area shall be submitted by the Cumberland County Planning Department to the Fort Bragg Real Property Planning Division in addition to the other agencies involved in the subdivision review process. Fort Bragg will then assist the property owner in identifying areas where trees should be maintained. While the owner is not obligated, the intent is to

encourage development in accordance with Section 3.24 of this Ordinance (Zero Lot Line) which allows the on-site transfer of density and provides a density bonus. (Amend. of 2-25-97)

ARTICLE II. PROCEDURE FOR SECURING APPROVAL OF SUBDIVISIONS*

SECTION 2.1. PRE-APPLICATION

Whenever a subdivision is proposed to be made and before any improvements shall be made, including grading, the subdivider shall cause a preliminary plat to be prepared. The preliminary plat shall comply fully with this ordinance and with the health, zoning and other applicable ordinances in effect at the time the plat is submitted for preliminary approval. Before filing a preliminary plat for review by the Planning Board, the subdivider is encouraged to submit a pre-application sketch plan to the Planning Director for criticisms and suggestions.

(Comp. Ords., § 3-2.1; Amend. of 7-23-96)

SECTION 2.2. PRELIMINARY PLAT— SUBMISSION AND APPROVAL REQUIRED

- a. Twelve (12) copies of the preliminary plat in such form as required by Article V shall be submitted to the Planning Director in accordance with the schedule established by the Planning Board.
- b. The department shall review the preliminary plat to determine its compliance with official plans and shall negotiate with the subdivider for required changes in order that the subdivision shall comply with the provisions of this ordinance. The department may negotiate for such other changes as may be found desirable.
- c. After such review and negotiations by the planning department, the department may approve the plat and state the conditions of such approval, if any, or shall disapprove the plat and state its reasons therefore.
- d. In addition to approving variances, the board shall decide all conditions of approval where the department and subdivider cannot agree.

(Comp. Ords., § 3-2.2; Ord. of 9-25-84, § 2; Ord. of 3-28-89; Amend. of 7-23-96)

SECTION 2.3. THE PRELIMINARY PLAT— THE MEANING OF PRELIMINARY PLAT APPROVAL

Where agreement is reached between planning board and the subdivider, and where preliminary plat approval is granted, the subdivider may then proceed to construct improvements in accordance with the requirements of Article IV of this ordinance and to prepare and submit the final plat.

(Comp. Ords., § 3-2.3; Amend. of 7-23-96)

SECTION 2.4. THE FINAL PLAT—GENERALLY

The final plat shall conform to the preliminary plat as approved. The subdivider may submit as a final plat that portion of the approved preliminary plat which he proposes to develop immediately, provided that, unless the final plat is submitted to the department for final approval within two (2) years from the date on which preliminary plat approval was granted, such action on the preliminary plat by the Planning Department shall become void.

(Comp. Ords., § 3-2.4; Ord. of 9-25-84, § 3; Ord. of 9-24-91; Amend. of 7-23-96)

SECTION 2.5. THE FINAL PLAT—SUBMISSION AND APPROVAL OF FINAL PLAT REQUIRED

The final plat shall be submitted to the Planning Director in such a form as required by Article V. The Planning Director shall review the final plat for compliance with the provisions of the ordinance and other such specifications as agreed upon at the time the preliminary plat was approved. No final plat shall be approved until the improvements specified by the approval of the preliminary plat and required by Article IV have been installed or assured to be installed in accordance with Section 2.6.

(Comp. Ords., § 3-2.5; Ord. of 10-25-83; Ord. of 9-25-84, § 4; Amend. of 7-23-96)

SECTION 2.6. GUARANTEES OF IMPROVEMENTS

Final plats of subdivision may be approved by the Planning Department after the subdivider has complied with one (1) of the following procedures:

- (a) All required improvements have been installed by the subdivider in accordance with the requirements of this ordinance; or
- (b) A surety bond or certified check has been posted by the subdivider, payable to the county upon default, in an amount determined by the Planning Department to assure installation of the required improvements. The subdivider and the Planning Department shall set a reasonable time by which it is estimated the improvements can be installed and completed. Unless an extension of that time is granted by the Planning Department and a new estimated date of completion established, the county shall take necessary steps to proceed with the accomplishment and completion of the improvements, making use of the certified check or calling upon the surety of the bond; or

- (c) An irrevocable letter of credit, in a form approved by the County Attorney, issued by a bank or other lending institution or a deposit of funds in escrow, may be accepted in lieu of a bond or check under the same terms and conditions; or
- (d) The Planning Department may approve the first and succeeding sections of an approved preliminary plat, submitted as final plats, without installation of improvements or financial guarantee of improvements, with the provisions that final plat approval of any succeeding section of this subdivision will be withheld until the required improvements have been installed in the preceding section. Final plat approved under this procedure shall be limited to a maximum of twenty-five (25) lots in size or fifty (50) percent of the gross area of the approved preliminary plat remaining in preliminary form prior to submission, whichever is the lesser. A final plat of the last section of a subdivision submitted under this procedure or a final plat constituting an entire subdivision may be of any size and shall be granted final approval only under a procedure stated in (a), (b) or (c) above.
(Comp. Ords., § 3-2.6; Ord. of 9-25-84, § 5; Amend. of 7-23-96)

SECTION 2.7. THE FINAL PLAT—RECORDING

Within one (1) year following approval of this final plat by the Planning Department, the subdivider shall cause the recording of the final plat in the office of the Register of Deeds of Cumberland County. Failure of the subdivider to cause the recording of the final plat in the office of the Register of Deeds within one (1) year after the final approval of the board shall cause such final approval to be null and void.
(Comp. Ords., § 3-2.7; Ord. of 9-25-84, § 6; Amend. of 7-23-96; Amend. of 10-2-00)

ARTICLE III. GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

SECTION 3.1. CONFORMITY

All proposed subdivisions shall be so planned as to facilitate the most advantageous development of the entire community and shall bear a reasonable relationship to existing or amended plans of the Planning Board.

All development impacted by the Noise and Accident Potential Zones (NAPZs) around Fort Bragg, Pope Air Force Base, Simmons Army Airfield, and Fayetteville Regional Airport shall comply with the adopted Noise and Accident Potential Zone Standards for Cumberland County.
(Comp. Ords., § 3-3.1; Amendment of 7-23-96)

SECTION 3.2. RELATION OF PROPOSED STREETS TO ADJOINING STREET SYSTEM

The proposed street system shall extend existing or proposed streets at the same or greater width, but in no case less than the required minimum width, provided that no extension wider than 80 feet shall be required. Where, in the opinion of the Planning Board, it is desirable, to meet the purpose of this ordinance, to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property.

(Comp. Ords., § 3-3.2; Amend. of 7-23-96)

SECTION 3.3. THROUGH TRAFFIC

Minor residential streets shall be laid out so as to discourage through traffic.
(Comp. Ords., § 3-3.2; Amend. of 7-23-96)

SECTION 3.4. THOROUGHFARE PLANS

Where any portion of a subdivision lies within the proposed right-of-way of any major street or road shown on an officially adopted thoroughfare plan of any municipality or the county, the street shall be dedicated or reserved in the location and width shown on the official plan; provided that no dedication or reservation wider than eighty (80) feet shall be required and provided that no dedication or reservation shall be required where right of direct access from abutting property is denied. The choice of dedication or reservation is at the discretion of the property owner. Any right-of-way required to be dedicated or reserved shall be in addition to that necessary for the subdivision.

(Comp. Ords., § 3-3.4; Amend. of 7-23-96; Amend. of 10-2-00)

SECTION 3.5. ACCESS TO UNSUBDIVIDED PROPERTY

The proposed street system shall be designed to provide for the dedication of access to and not to impose undue hardship upon unsubdivided property adjoining the subdivision. Reserve strips adjoining street right-of-way for the purpose of preventing access to adjacent property shall not be permitted.

(Comp. Ords., § 3-3.5; Amendment of 7-23-96)

SECTION 3.6. LOTS INTENDED FOR COMMERCIAL AND INDUSTRIAL USES ONLY

Commercial and industrial lots may be arranged in convenient units of width and to a depth that is appropriate to the development contemplated, provided that the minimum requirements for lots, blocks and zoning are met.

(Comp. Ords., § 3-3.6; Amendment of 7-23-96)

SECTION 3.7. STREET NAMES

Proposed street names shall not duplicate nor closely approximate phonetically the name of any street anywhere within Cumberland County. Where proposed streets are extensions of existing streets, the existing street names shall be used except where a new name can reasonably be used to avoid further street name duplication.

(Comp. Ords., § 3-3.7; Amend. of 7-23-96)

SECTION 3.8. ALLEYS

A reservation or easement for an alley to the rear of nonresidential lots may be required provided that a comprehensive plan for the entire block in which the property is located establishes the need for such reservation or easement. Alleys shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the Planning Board of the need for alleys.

(Comp. Ords., § 3-3.8; Amend. of 7-23-96)

SECTION 3.9. HALF STREETS

Whenever an existing half street is adjacent to a tract of land to be subdivided, the other half of the street shall be dedicated or shown as an easement for conditional future dedication within the new subdivision. New half streets are prohibited except when essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where it will be practicable to require the dedication of the other half when the adjoining property is subdivided.

(Comp. Ords., § 3-3.9; Amend. of 7-23-96)

SECTION 3.10. MARGINAL ACCESS STREETS

When a tract of land to be subdivided adjoins a limited access highway, the subdivider may be required to provide a marginal access street parallel to the highway or reserve frontage on an interior street for the lots to be developed adjacent to the highway.

(Comp. Ords., § 3-3.10; Amend. of 7-23-96)

SECTION 3.11. EASEMENTS

To provide for existing or future service poles, underground electric and communication lines, public utilities, conduits, drainage facilities, water and sewer lines, an easement not less than ten (10) feet wide, five (5) feet on each side of the common rear lot line or in other locations where necessary, shall be provided. No building or other permanent obstruction, not including fences, shall be erected on any such easement.

Where property to be subdivided is traversed by a watercourse, drainage way, canal or stream, there shall be provided a drainable easement for channel improvement which

conforms substantially with the center line of such watercourse, drainage way, canal or stream. Such drainage easement shall be a minimum of twenty (20) feet wide (not necessarily centered) but in no case shall it be required to exceed twenty (20) feet from the top of the bank (natural stream channel) on either side of the watercourse, drainage way, canal or stream. In the event that the subdivision includes a man-made lake, such drainage easement shall conform to the original stream or watercourse where known or a note added to the plat to read as follows: "In the event that the lake(s) shown on this plat is drained or otherwise lowered to the natural stream level, a public drainage easement for the purpose of channel improvement is hereby dedicated at a minimum width of twenty (20) feet but not to exceed twenty (20) feet from the top of the bank on either side of the natural stream course."

(Comp. Ords., § 3-3.11; Amend. of 7-23-96)

SECTION 3.12. SCHOOL SITES

Where a tract of land that has been approved by the School Board as a proposed school site lies wholly or partially within an area proposed to be subdivided, and provided that the School Board has notified the Planning Department and the property owner of its approval of the school site prior to Planning Department action on the preliminary plat, the subdivider shall reserve the proposed school site for acquisition by the School Board for a period of not more than thirty (30) days.

(Comp. Ords., § 3-3.12; Ord. of 9-25-84, § 7; Amend. of 7-23-96)

State law reference—School sites reserved in accordance with comprehensive land use plans, G.S. § 153A-331.

SECTION 3.13. ACCESS TO PARKS, SCHOOLS, ETC.

Streets shall be designed or walkways dedicated to assure convenient access to adjacent parks, playgrounds, schools, and other public places. Dedicated walkways shall not be less than ten (10) feet in width.

(Comp. Ords., § 3-3.13; Amend. of 7-23-96)

SECTION 3.13.1. REQUIRED PARKS, OPEN SPACE, RECREATION AREA PROVISIONS

Every residential dwelling unit shall provide a portion of land for the purpose of providing park, recreation and open space areas.

- a. *Amount of land.* The amount of park recreation or open space area shall be five hundred (500) square feet per dwelling unit when the land is above the floodplain; one thousand (1,000) square feet per dwelling unit when the land is located within the floodplain area; and two thousand (2,000) square feet per dwelling unit when the area is a water body. Water bodies dedicated for meeting these requirements must be approved by the affected governing body. No credit shall be given for land subject to mandatory preservation such as the requirements of the Flood Damage Prevention

Ordinance requirements, watershed requirements and stormwater requirements. The dedication/provision may include a combination of land above the floodplain, land in the floodplain, water bodies and land not within the development. Park land dedicated that contains five (5) acres or more, meets park specifications, and is consistent with the Parks and Open Space Plan and the adopted Designated Open Space, Parks and Recreation Corridors Map must be accepted by the affected jurisdiction. Developments that are less than five (5) acres, not consistent with the Parks and Open Space Plan, and not located on the adopted Designated Open Space, Parks and Recreation Corridors Map may pay a fee in lieu of dedication as determined by the affected Parks and Recreation Director or a designee, with an appeal process to the affected governing body.

- (1) Park, recreation or open space areas shall be of such dimensions as to be functionally useable and maintainable. Developments that would require less than five (5) acres may be exempt from providing on-site park, recreation or open space areas when the Parks and Recreation Director determines that:
 - (2) The onsite park, recreation or open space area cannot be combined with such areas serving adjacent property to form a functionally usable and maintainable area; or
 - (3) The parks, recreation or open space needs of the development can be adequately met by existing or planned public parks, recreation or open space areas. In determining the size of a development for this purpose, the Planning Staff shall consider the entire project developed on a single tract or contiguous multiple tracts under common ownership, regardless of whether the development is constructed in phases or sections. The subdivider of any subdivision that is exempt from providing on-site park, recreation or open space areas shall pay a fee to the affected jurisdiction in lieu thereof to be used to acquire parks, recreation or open space areas to benefit the residents.
- b. *Standards for park, recreation and open space areas.* All park, recreation and open space areas shall meet the following standards unless special exception is made by the Planning Board and approved by the affected jurisdiction. These standards are as follows:
- (1) *Unity.* The dedicated land shall be a single parcel of land, whether or not the development is developed in phases or sections, except where it is determined by the Planning Staff with a recommendation from the Parks and Recreation Director or his/her designee, or where there is no Parks and Recreation Department, the municipal designee, that multiple parcels would better serve the residents of the development and the public.
 - (2) *Usability.* A maximum of one-half (1/2) of the dedicated park, recreation or open space area may be water. When one-half (1/2) of the dedicated area is water, the remaining land must be useable land for a park. The usability of a dedicated parks, recreation or open space area shall be determined by the Planning Staff

with a recommendation from the Parks and Recreation Director or his/her designee, or where there is no Parks and Recreation Department, the municipal designee, of the affected jurisdiction or their representative. The final decision shall be with the governing body of the affected jurisdiction.

- (3) *Shape.* The portion of the dedicated area not water or wetland shall be of such shape to be usable for recreation facilities, including, but not limited to, tennis courts, swimming pools, clubhouses, athletic fields, basketball courts, swings, slides, play apparatus, open play areas and picnicking, etc.
- (4) *Location.* The dedicated land shall be located to reasonably serve the recreation and open space needs of the residents within the development. The Planning Staff, with a recommendation from the Parks and Recreation Director or his/her designee, or where there is no Parks and Recreation Department, the municipal designee of the affected jurisdiction or their representative, may require that the land dedicated be located on the periphery of the development in order to allow enlargement by combining the park, recreation and open space areas with adjacent developments; when adjacent property is publicly owned; or when there are plans that identify the area as future parks, recreation or open space to be acquired by the affected jurisdiction. There shall be provisions at the discretion of the affected jurisdiction's Parks and Recreation Director or his/her designee, or where there is no Parks and Recreation Department, the municipal designee, with final approval required from the governing body, to negotiate the location of the land or fee when it is deemed in the best interest of the immediate residents and the long-range parks and recreation plan. This negotiation includes swapping larger, cheaper tracts of land away from the development for the smaller more expensive tract near the development. This shall only be allowed when there is sufficient park and recreation area to meet the needs of the affected development's residents.
- (5) *Access.* All dwelling units in the development shall have free, easy and convenient ingress and egress to and from the dedicated area within the development provided by means of streets or public walkways or trails with the one access being a minimum width of twenty (20) feet. Rights-of-way for this access shall be shown on the preliminary plat. All dedicated land areas shall have access by way of a public street. Dedicated areas that do not have frontage on a public street but are adjacent to an existing public park, recreation or open space area that has such access is exempt from this requirement.
- (6) *Required stormwater detention/retention facilities.* These facilities shall not be accepted as fulfilling the park, recreation or open space requirements.
- (7) *Landscaping.* Dedicated parks, recreation and open space areas shall have a sufficient natural or manmade buffer or screen to minimize any negative impacts on adjacent residents.

- (8) *Consistency with master parks, recreation and open space plans.* Any portion of a development that lies within an area designated on an officially adopted Parks, Recreation and Open Space Plan and the Designated Open Space, Parks and Recreation Corridor Map (not exceeding the amount required to be dedicated) shall be included as part of the area set aside to satisfy the park, recreation and open space requirements. This area shall be dedicated to public use.
- (9) *100-year flood elevation.* In addition, all BASE parkland (above the 100-year flood elevation) dedicated to the public sector must meet the following:
- a. Must be outside of the 100-year flood area;
 - b. Must have a minimum average slope of three (3) percent and a maximum average slope of 15 percent;
 - c. Must not be a former site of or contain any remains of hazardous materials;
 - d. Must have access to a public street;
 - e. Must be a single parcel of land, unless exception is granted by the Parks and Recreation Director of the affected jurisdiction or its Recreation Advisory Board; and
 - f. If the site contains a developed facility, it must be approved by the affected governing body.

c. Procedures for the dedication of parks, recreation and open space areas.

- (1) *Designation of land to be dedicated.* The developer, upon submission of a residential preliminary plan, shall indicate at that time his/her intent to either dedicate land or pay a fee in lieu thereof. The developer shall designate whether such dedication will be to the public sector or a homeowners' association. The developer shall also designate on the preliminary plan the area or areas to be dedicated for park, recreation or open space.
- (2) *Review of land to be dedicated.* The Planning Staff shall submit a copy of the preliminary plat to the affected jurisdiction's Parks and Recreation Director or his/her designee, or where there is no Parks and Recreation Department, the municipal designee of the affected jurisdiction for review. The Parks and Recreation Director or his/her designee shall submit any and all recommendations concerning the land to be dedicated to the Planning Staff within five (5) working days upon receipt of the preliminary plat.
- (3) *Ownership.* The entity owning land to be dedicated for parks, recreation and open space shall be selected by the owner, developer, or subdivider, subject to the approval of the Planning Board. These entities may include, but are not limited to, the following:
- a. The County of Cumberland subject to acceptance by the Planning Staff;
 - b. Any municipality having jurisdiction over the tract, whether within its boundary or not, subject to acceptance by the municipality;

- c. Other public jurisdictions or agencies, or nonprofit organizations, subject to their acceptance; and
 - d. Homeowners, condominiums or cooperative associations or organizations.
- (4) *Required conditions of homeowners' associations.* Homeowner associations or similar legal entities that own and maintain park, recreation and open space areas shall be established in such a manner that:
- a. Provision for the establishment of the association or similar entity is made prior to any lot or unit in the development being sold or any building being occupied;
 - b. Membership must be mandatory for each lot or unit owner and any successive buyer;
 - c. The association shall be responsible for the liability insurance, if any, local taxes and maintenance of the areas;
 - d. Any sums levied by the association that remain unpaid shall become a lien on the individual homeowner's property;
 - e. If all or any portion of the property held by the association is being disposed of or if the association is dissolved, the park, recreation and open space areas shall be first deeded to the affected public jurisdiction or to any entity as defined in Ownership [subsection (3)] above; and
 - f. The right to use the park, recreation, or open space shall be guaranteed to each resident of the development in good standing with the homeowners association.
- (5) *Maintenance of areas.* The entity as defined in Ownership [subsection (3)] above shall be responsible for the continuing upkeep and proper maintenance of the park, recreation or open space area.
- (6) *Provisions for payment in lieu of dedication.* When it is determined that the park, recreation, and open space needs of a development can be met by existing or proposed public park, recreation, or open space areas, then the Planning Staff, with a recommendation from the affected jurisdiction's Parks and Recreation Director or his/her designee, or where there is no Parks and Recreation Department, the municipal designee, may authorize the developer to pay a fee to the affected jurisdiction in lieu of dedication. The Planning Staff may also authorize, with a recommendation from the affected jurisdiction's Parks and Recreation Director or his/her designee, or where there is no Parks and Recreation Department, the municipal designee, a combination dedication and partial payment in lieu of dedication when it is determined that this method is in the best interest of the residents in the area to be served and the public at large. The affected jurisdiction's governing body shall make the final decision.
- a. *Procedure.* The developer shall include with the application for a preliminary plan approval a letter requesting approval to make a payment in lieu of dedication. The letter shall include the proposed per acre value (raw land value) and the basis for the determination of such value. Upon receipt of the

preliminary plan, the Planning Staff shall submit a copy of the preliminary plan with the letter to the affected jurisdiction's Parks and Recreation Director or his/her designee, or where there is no Parks and Recreation Department, the municipal designee. The Parks and Recreation Director, his/her designee, or the municipality's designee, shall submit a recommendation to the Planning Staff within five (5) working days.

- b. *Amount of payment.* The fee in lieu of dedication shall be based on the required acres (in square feet) times the assessed raw land value. The Planning Staff shall determine if the developer's assessed raw land value is reasonable based on the tax value and the data submitted by the developer. If there is a disagreement with the Planning Staff's findings, the matter shall be appealed to the Planning Board for final disposition.
 - c. *Use of payments in lieu of dedication.* All monies received by the public sector for fees in lieu of dedication shall only be used for the acquisition of the closest unpurchased parkland or recreation area, as outlined in the official Parks and Recreation Plan, that will benefit the residents within the development. This does not imply that the general public cannot benefit from these funds, especially in cases where the money is used for acquisition of neighborhood, community and regional parks.
 - d. *Required payment in lieu of dedication.* If the existing or proposed dedicated land does not meet the long-range plans for Parks and Recreation, the Planning Staff, with a recommendation from the affected Parks and Recreation Director or his/her designee, or where there is no Parks and Recreation Department, a municipal designee, may require payment in lieu of dedication. The Planning Staff may also require a fee in lieu of dedication when the dedicated area is less than one-half (1/2) acre in size with the recommendation of the affected jurisdiction's Parks and Recreation Director or his/her designee, or where there is no Parks and Recreation Department, municipal designee. All subdivisions that qualify to be stamped with "No Approval Required" shall pay the fee in lieu of dedication unless it is determined that it would be in the best interest of the residents in the development or the general public otherwise.
 - e. *Time of payment.* When a payment in lieu of dedication is authorized, such payment must be made before recording the final plat. If the subdivision is developed in phases or sections, a payment relating to each phase or section must be made prior to the recording of a final plat for each phase or section.
- (Amend. of 7-23-96)

SECTION 3.14. PUBLIC WATER AND SEWER SYSTEMS

Where public water and/or sewer systems are to be installed as part of the subdivision improvements, such systems shall be designed and installed in accordance with the

standards and specifications of the Health Department and/or the governmental agency responsible for the approval of such systems.
(Comp. Ords., § 3-3.14; Amend. of 7-23-96)

SECTION 3.15. ON-SITE WATER AND SEWER SYSTEMS

For on-site water and/or sewer systems when either or both of such systems are proposed to be used, every deed and plat must have a certification or disclosure as covered in Section 5.2(h), and Section 6.3.2 of the Subdivision Ordinance.
(Comp. Ords., § 3-3.15; Amend. of 7-23-96; Amend. of 10-2-00)

SECTION 3.16. LOTS SUBJECT TO FLOODING

Lots located, in whole or in part, in areas of special flood hazard, as such term is defined in Chapter 6.5 (Flood Damage Prevention Ordinance) of this Code, shall not be established or developed in any type of subdivision, group development, mobile home park or any other type of development for the purpose of creating building sites, except as herein provided.

- a. The preliminary and final plats of subdivisions, group developments, or mobile home parks, or sections thereof, in which there are areas of special flood hazard, shall have a line or lines drawn thereon delineating the boundaries of such areas within the subdivision, group development or mobile home park. Each such boundary line shall be the same as the boundary line(s) of the 100-year special flood hazard area as shown on the official flood maps of Cumberland County, The Flood Boundary and Floodway Map (FBFM) and/or Flood Insurance Rate Map (FIRM), as defined in chapter 6.5 of this Code, where the boundaries of the areas of special flood hazard have been identified as Zone A and shall be designated as the “100-year floodplain”. Such plats shall also be annotated with the effective date, community number and map number(s) of the pertinent FBFM and/or FIRM and a statement that such map(s) and the 100-year floodplain line is subject to change by FEMA. When the pertinent FBFM and/or FIRM contains an “approximate” line delineating an area of special flood hazard, such approximate line may, at the option of the developer, be depicted on the plat as the “approximate 100-year floodplain.” Any interpretation by the County Engineer may be appealed pursuant to Section 6.5-55 of the Flood Damage Prevention Ordinance.
- b. The preliminary and final plats of a subdivision, group development, or mobile home park, or section thereof, in which it is proposed to alter the 100-year floodplain line by construction of a levee system, as such term is defined in Chapter 6.5, shall have the following additional lines drawn thereon:
 - (1) A line or lines depicting the contour of the base or bases of the proposed levee system. Each such line will be designated as a “levee base contour line.”

- (2) A line or lines, within the subdivision, twenty (20) feet outside the levee base contour line or lines, each such line to be designated as a "levee base contour line."
 - (3) A line delineating a revised boundary of the 100-year floodplain, which shall be placed on the final plat or amended final plat when a revised 100-year floodplain line pertinent to the subdivision, group development or mobile home park is redrawn on the official flood map(s), following approval by or Federal Emergency Management Agency (FEMA) of the levee system as constructed. Such line shall be designated as the "revised 100-year floodplain."
 - (4) A line delineating the outermost boundary of an area twenty (20) feet from either side of the bank of every watercourse in the subdivision, group development or mobile home park, the flow of which will be restricted or stopped by closure of a levee. Such line shall be designated as the "watercourse maintenance line." In the event that such watercourse is incorporated into a pipe, the watercourse maintenance line need only designate a twenty-foot easement within which the pipe is located.
- c. No improvement of any lot, street or common area shall be commenced in a subdivision, group development, or mobile home park, or section thereof, subject to this section, unless the developer, builder, landowner or other appropriate permittee has complied with the provisions of Chapter 6.5 (Flood Damage Prevention Ordinance) of the Cumberland County Code. The preliminary and final plats of a subdivision, group development, or mobile home park, or section thereof, subject to the provisions of this section, shall be annotated with the following notices:
- (1) "Notice: Any improvement within the 100-year floodplain, or any revision thereof, is subject to the provisions of Chapter 6.5 (Flood Damage Prevention Ordinance) of the Cumberland County Code and may be limited or precluded thereby." This notice shall be on all plats having a 100-year floodplain.
 - (2) "Notice: Any improvement between the levee maintenance line and the levee base contour line and between the watercourse maintenance line and the watercourse bank is subject to the provisions of Chapter 6.5 (Flood Damage Prevention Ordinance) of the Cumberland County Code and may be limited or precluded thereby." This additional notice is required only on plats showing construction of a levee system.
 - (3) "Notice: The area hereon lying between the 100-year floodplain line and the revised 100-year floodplain line is protected from the 100-year flood by levee, dike or other structure subject to failure or overtopping during larger floods." This additional notice is required only on plats showing construction of a levee system.
- d. Notwithstanding any other provisions of Appendix B (Subdivision Regulations), no lot or improvement, or part thereof, in a subdivision, group development, or mobile

home park in which it is proposed to alter the 100-year floodplain by construction of a levee, shall be sold or created, if such lot or improvement, or part thereof, is located downstream from the proposed levee, until the "revised 100-year floodplain line," as provided in paragraph b., (3), above, is annotated on the final or amended final plat of such subdivision, group development, or mobile home park.

- e. No preliminary or final plat subject to this section shall be approved unless such plat is submitted to the County Engineer for review and said official reports to the Planning Director that the plat fulfills the requirements of the Cumberland County Flood Damage Prevention Ordinance, Chapter 6.5 of this Code. Preliminary and final plats for subdivisions, group developments or mobile home parks containing area which will be protected by levee upon revision of the official flood maps of Cumberland County by FEMA may be approved prior to such revision if the county engineer affirms that he has issued a permit allowing construction of the levee to commence. Such preliminary and final plats, however, shall be treated as subdivisions, group developments, or mobile home parks containing areas of special flood hazard not protected by a levee until such time as the levee system is constructed and certified and the official flood maps of Cumberland County are revised by FEMA pursuant thereto. Upon such subsequent revision, the developer shall submit a revised final plat in accordance with foregoing provisions of this section, which shall be submitted to the county engineer for review. Such revised final plat shall not be approved unless the county engineer recommends approval as complying with all provisions of chapter 6.5 (Flood Damage Prevention Ordinance) of this Code.

(Comp. Ords., § 3-3.16; Ord. of 12-15-86, § 1; Amend. of 7-23-96; Ord. of 9-20-99)

SECTION 3.17. STREET DESIGN

- a. Street gradient, reverse curves and horizontal alignment shall be in accordance with the standards and specifications of the North Carolina Department of Transportation.
- b. *Right-of-way.* Proposed street right-of-way shall be of sufficient width to meet the requirements of the specifications of the North Carolina Department of Transportation. Where a subdivider elects to establish a street divided with a median strip, the right-of-way width shall not be less than eighty (80) feet, and no median strip shall be less than twenty (20) feet wide.
- c. *Cul-de-sac.* A cul-de-sac shall not be longer than eight hundred (800) feet and shall be provided at the closed end with a circular turnaround having an outside roadway diameter of at least eighty (80) feet and a right-of-way line diameter of at least one hundred (100) feet, or turnarounds as approved by the North Carolina Department of Transportation.
- d. *Corner radii.* Property lines at street intersections shall be rounded with a radius of twenty-five (25) feet.
- e. *Intersecting streets.* Streets shall be laid out so as to intersect as nearly as possible at right angles.

- f. *Street offsets.* Where there is an offset in the alignment of a street across an intersection, the offset of the center lines shall not be less than one hundred twenty-five (125) feet.
(Comp. Ords., § 3-3.17; Amend. of 7-23-96; Amend. of 10-2-00)

SECTION 3.17A. CIRCULATION REQUIREMENTS

The minimum circulation requirements for all development located within the Urban Services Area shall be the standards outlined in the Manual on Street and Driveway Access in Cumberland County. Circulation requirements outside of the Urban Services Area shall meet NCDOT standards.
(Amend. of 7-23-96)

SECTION 3.18. BLOCK LENGTHS

Block lengths shall not be longer than one thousand eight hundred (1,800) feet; provided, that where a longer block will result in less traffic through residential subdivisions from adjoining businesses or areas, the planning department may approve block lengths in excess of one thousand eight hundred (1,800) feet. Where blocks longer than one thousand eight hundred (1,800) feet are permitted, crosswalks of a width not less than ten (10) feet may be required. Superblocks are allowed in accordance with Section 1.8(hh), Definitions.
(Comp. Ords., § 3-3.18; Ordinance of 9-25-84, § 8; Amend. of 7-23-96)

SECTION 3.19. BLOCK WIDTHS

Block width shall be sufficient to allow two (2) tiers of lots except where prevented by topographical conditions or the size of the property. A single tier of lots may be used to separate residential developments from nonresidential developments or residential developments from watercourses, traffic arteries, or railroads.
(Comp. Ords., § 3-3.19; Amend. of 7-23-96)

SECTION 3.20. LOT STANDARDS

Where a zoning ordinance is in effect, the lot dimensions, setbacks and standards of the zoning ordinance shall apply. In areas where a zoning ordinance is not in effect, the following lot standards shall be observed:

- a. Lots not served by public water and/or sewer systems shall be large enough and of such physical character to meet Health Department minimum standards for onsite water and/or sewer systems.

- b. No residential lot shall be created with an area of less than thirty thousand (30,000) square feet and a lot width of less than one hundred (100) feet as defined in Section 1.8 (q) 2.
- c. The minimum required building setback line shall be thirty (30) feet from the street right-of-way line, provided that the minimum required setback on the side street of a corner lot shall be fifteen (15) feet. The minimum required side yard setbacks shall be twenty-five (25) feet, and the rear yard setback shall be 35 feet.
- d. Except as otherwise provided for in Section 3.21, group developments as defined in Section 1.8 (i) shall meet the standards as set out in Section 3.20 a, b, and c above, and every lot shall abut a public street or approved private street (see Section 4.2) for at least twenty (20) feet, such frontage (abutting) to be continuous from the property line to building setback line in subsection c., above, where the lot width must conform to the provisions of subsection b., above.
- e. No accessory building shall be erected in any required front or side yard or within fifteen (15) feet of any side street line or within five (5) feet of any lot line not a street line or within five (5) feet of any building or any other accessory building. In no case, however, shall an accessory building be placed closer to a street than the minimum setback requirements for a principal structure or structures on the adjoining lot.

(Comp. Ords., § 3-3.20; Ordinance of 7-29-82; Amend. of 7-23-96; Amend. of 10-2-00; Amend. of 10-15-01)

SECTION 3.20.1. ACCESS TO CERTAIN CLASSIFIED STREETS

No direct access shall be allowed for any single-family lot located along any street as defined or classified by the Fayetteville Urban Area Thoroughfare Plan or locally adopted Collector/Feeder Street Plan as major or minor thoroughfare, arterial, collector or feeder street, where feasible and sufficient land depth exists.

(Amend. of 7-23-96)

SECTION 3.20.2. MUNICIPAL INFLUENCE AREA COMPLIANCE

All development located within a municipality's Municipal Influence Area shall be developed in accordance with standards enforced within the municipality. An official Municipal Influence Area Map shall be maintained at the Office of the County Clerk. The development standards for each municipality are shown in Table I and Table II below entitled "Development Standards of the Various Jurisdictions."

TABLE I

DEVELOPMENT STANDARDS OF THE VARIOUS JURISDICTIONS

SINGLE-FAMILY DEVELOPMENT

SINGLE-FAMILY DEVELOPMENT										
STANDARDS	COUNTY	URBAN SERVICE AREA	FAYETTE- VILLE	SPRING LAKE	HOPE MILLS	FALCON	GODWIN	LINDEN	STEDMAN	WADE
1. Concrete Curb and Gutter	X ⁸	X ⁸	X							
2. Storm Drainage			X	X	X				X	
3. Sidewalks	X ⁸	X ⁸	X	X ⁹	X					
4. Class "C" Streets	X									
5. Fire Hydrants	X ⁵	X ⁸	X	X	X	X			X	
6. Paved Streets	X	X	X	X	X	X	X	X	X	X
7. Street Names Approved	X	X	X	X	X	X	X	X	X	X
8. Access to Parks, Schools, etc.	X	X	X	X	X					
9. Public Water and Sewer Systems	X ³	X ³	X	X	X	X	X	X	X	X
10. On-site Water And Sewer Systems	X	X ⁴				X ⁴	X ⁴	X ⁴	X ⁴	X ⁴
11. Private Streets	X	X	X							
12. Recreation	X	X	X	X	X					
13. Underground Utilities	X ⁸	X	X	X	X					

* Allows Class "C" private street with a 20' travel way

1 Based upon street classification

2 Based upon conditions

3 When lines are within 2,000 feet

4 When no public sewer or water is near

5 When service line is available

6 When development abuts streets carrying certain classification

7 If adjacent to the street

8 When development meets urban density

9 One side of street only

TABLE II

**DEVELOPMENT STANDARDS OF THE VARIOUS JURISDICTIONS
GROUP DEVELOPMENTS AND MULTIFAMILY**

GROUP DEVELOPMENTS AND MULTIFAMILY										
STANDARDS	COUNTY	URBAN SERVICE AREA	FAYETTE- VILLE	SPRING LAKE	HOPE MILLS	FALCON	GODWIN	LINDEN	STEDMAN	WADE
1. Public Water and Sewer	X ³	X ³	X	X	X				X	
2. On-site Water and Sewer	X ⁴	X ⁴				X ⁴	X ⁴	X ⁴	X ⁴	X ⁴
3. Storm Drainage		X	X	X	X				X	
4. Paved Parking Lots and Driveways		X		X	X					
5. Fire Hydrants	X ⁸	X ⁸	X	X	X	X	X	X	X	X
6. Recreation	X	X	X	X	X					
7. Sidewalks	X ⁸	X ^{8,7}	X ^{8,7}	X ^{8,7}						
8. Underground Utilities		X ⁷	X ⁷	X ⁷						

* Allows Class “C” private street with a 20’ travel way

1 Based upon street classification

2 Based upon conditions

3 When lines are within 2,000 feet

4 When no public sewer or water is near

5 When service line is available

6 When development abuts streets carrying certain classification

7 If adjacent to the street

8 When development meets urban density

(Amend. Of 7-23-96)

SECTION 3.21. GROUP DEVELOPMENTS

The site plan for group developments shall show the locations and sites of buildings, streets, alleys, parking, recreation areas, signs, loading berths, yards and other open spaces, and shall be in accordance with the following specifications:

- a. The plot area per dwelling unit, excluding the area of publicly dedicated rights-of-way within the development, shall be as permitted by the zoning ordinance where a zoning ordinance is in effect. In areas where a zoning ordinance is not in effect refer to Section 3.20.
- b. Each building on the periphery of a group development shall observe the minimum yard requirements of the zoning ordinance for the district in which it occurs, provided that in areas in which a zoning ordinance is not in effect, the following peripheral yards shall be observed:
 - (1) Minimum required front yard: Thirty (30) feet from the street right-of-way line or fifty (50) feet from the street center line, whichever is the greater distance for residential developments and fifty (50) feet from the street right-of-way line for commercial developments;
 - (2) Minimum required side yard: Twenty-five (25) feet; for structures of more than one (1) story, four (4) feet shall be added to each side yard for each story in excess of one (1) story. Side yards on corner lots must be at least fifteen (15) feet from the side street property line. For commercial developments, the minimum required side yard shall be measured from the street right-of-way or an interior lot line;
 - (3) Minimum required rear yard: Thirty-five (35) feet;
 - (4) Structures on corner lots which observe the front yard requirements of the two intersecting streets may reduce the required rear yard setback by twenty feet.
 - (5) Maximum building area: Thirty-five (35) percent of the total lot area for residential developments. The judgment of the Planning Board as to what constitutes the front, rear and side yards of each building in the group development shall be final.
- c. Buildings within group developments under single ownership shall be separated by a minimum distance of twenty (20) feet plus ten (10) feet for each story above two (2) stories.
- d. In no case shall any part of a principal residential building be located closer than twenty (20) feet to any part of another principal building.
- e. The property to be developed must have a boundary line or lines contiguous with and giving direct vehicular access to and from one (1) or more public streets, or private

streets with public access, approved in accordance with Section 4.2 of this ordinance. [All portions of every building shall be located within five hundred (500) feet of some portion of one (1) or more said access points, except when it can be demonstrated that adequate provisions can be made for fire protection, garbage collection, law enforcement and other county services, and the local street system is completed as necessary.] Group developments in the form of apartment complexes or condominium developments with homeowner's associations legally obligated to maintain vehicular access and circulation shall not be subject to the private street standards specified in Section 4.2 of this ordinance.

- f. Where official plans show future streets or thoroughfares or where reasonable access to adjoining property is required, the development will be designed so as to provide right-of-way for such future streets or thoroughfares and to give access to such properties by means of a public street dedication.
- g. Parking shall be provided in accordance with applicable zoning regulations provided that where no zoning ordinance is in effect, the following parking standards shall be observed:
 - (1) Residential Developments: One and one-half (1 ½) spaces per dwelling unit;
 - (2) Commercial Developments:
 - a. Retail stores and shops of all kinds, including restaurants, cafeterias, barber and shoe shops, and similar service outlets: One (1) space for each two hundred (200) square feet of floor area not used exclusively for storage.
 - b. Other uses: One (1) space for each three hundred (300) square feet of floor area not used exclusively for storage.
- h. At least three fourths (3/4) of the required parking spaces shall be located on the development in off-street parking lots, no part of which shall be located closer than fifteen (15) feet to any existing or proposed street right-of-way line in accordance with the adopted Fayetteville Urban Area Thoroughfare Plan or locally adopted Collector/ Feeder Street Plan. Each space shall be not less than nine (9) feet by twenty (20) feet in area. Compact car spaces may be utilized within a development, provided the minimum standard size off-street parking space requirements are met. Isles adjacent to the compact car spaces shall be standard width, and all compact car spaces shall be clearly marked. Each compact car space shall be not less than seven and one-half (7½) feet by fifteen (15) feet in area. One fourth (1/4) of the required parking space may be in parking bays on minor public streets which are entirely within the development, provided that none shall be in the turn-around portion of cul-de-sacs. Bays shall not be longer than eighty (80) feet along such street lines, and each bay shall be separated from any other bay by a distance of not less than one-half (½) the combined width of both bays. No more than one-third (1/3) of the total frontage of any such street shall be devoted to parking bays.

- i. Each off-street parking space for each residential building shall be located within two hundred (200) feet of said building.
- j. Swimming pools which are constructed within a group development shall be located not less than one hundred (100) feet from any boundary of the project and not less than fifty (50) feet from any public street and conform to the following:
 - (1) Have a fence at least three (3) feet high completely enclosing the portion of the yard containing the pool with a gate that can be securely fastened;
 - (2) Cause all floodlights to be shielded in such a manner that no offensive glare will be visible from adjoining streets or property; and
 - (3) Have for each pool with a capacity of two thousand (2,000) gallons or more, filtering and purification equipment or automatic water exchange capable of changing all the water every twenty-four (24) hours.
- k. In residential group developments designated recreation areas and facilities shall be provided and shall consist of at least 500 square feet of area for each dwelling unit in the development located and designed with a reasonable relationship to building locations and the particular recreation requirements of the occupants. Recreation areas shall comply with the following provisions:
 - (1) Group developments containing less than ten (10) units shall provide five hundred (500) square feet of recreation area per unit;
 - (2) Group developments containing between ten (10) and one hundred (100) units shall provide individual recreation site(s) having a minimum size of five thousand (5,000) square feet; and
 - (3) Group developments containing more than one hundred (100) units shall provide individual recreation sites having a minimum size of ten thousand (10,000) square feet.

Areas within the setback areas can be counted as part of the required recreation/open space area provided they are developed, which would include tennis and basketball courts, jogging trails, etc. These facilities shall not consist of over ten (10) percent of the required recreation/open space area. On-site amenities outside the setback area such as indoor recreation centers and clubhouses may be counted as part of the recreation/open space requirements up to one-half (½) of the required area. Recreation/open space areas dedicated to the public sector shall be subject to all the requirements in Section 3.13.1, Required Parks, Open Space, Recreation Area Provisions of this document [ordinance].

- l. All dumpsters and utility areas shall be screened. Dumpster sites shall be located on concrete slabs and be fenced around three (3) sides, minimum. Chainlink fencing may be

utilized, but it must be accompanied with an evergreen screen as in Section XIV, Landscape Ordinance, of the County Zoning Ordinance.
(Comp. Ords., § 3-3.21; Ord. of 7-29-82; Ordinance of 9-27-83, § 1; Amend. of 7-23-96; Amend. of 10-2-00; Amend. of 3-18-02)

SECTION 3.22. DESIGN STANDARDS FOR VARIABLE LOT RESIDENTIAL DEVELOPMENTS

The purpose of this section is to provide desirable open space, tree cover, recreation area, scenic vistas and site design variety in residential subdivisions by allowing certain variations in lot sizes so long as the overall density of dwelling units and maximum number of lots is no greater than that permitted by the zoning ordinance by preparing a preliminary and final subdivision plat in full accord with the applicable requirements of this ordinance in conformity with the following:

- a. *Public water and sewer prerequisite.* Any subdivision submitted as a variable lot residential development shall be served by public water and sewer systems as required subdivision improvements.
- b. *Maximum number of lots.* The maximum number of lots that may be created in a variable lot residential development shall be computed as follows:
 - (1) From the gross area of land to be committed to the development, subtract all land covered by water and all land subject to flooding as provided in Section 3.18;
 - (2) From the remainder, subtract twenty (20) percent as allowance for normal street right-of-way. This standard shall apply regardless of the amount of land that would have been placed in street right-of-way;
 - (3) Divide the remainder by the minimum lot area requirement for single-family dwellings of the zoning district in which the development is located. The result is the maximum number of lots that may be created in the development.
- c. *Minimum lot standards.* As permitted by this ordinance and the zoning ordinance, a variable lot residential development is exempt from the minimum lot sizes specified therein for the district in which the development is located. In no case, however, shall the lot size of any development be less than seventy-five (75) percent of the minimum required for single-family lots by this ordinance or by the zoning ordinance for the district in which the development is located, whichever minimum is applicable, and all other dimensional requirements of the applicable ordinance shall be complied with.
- d. *Open space standards.* At the discretion of the developer, a variable lot residential development may utilize a range of lot sizes not in conflict with the minimums specified above. Where any reduction is made in lot size in accordance with these

provisions, an amount of land at least equivalent to the difference in the required lot sizes and the minimum lot sizes, but in no case less than three (3) acres, shall be reserved and first offered for dedication to the county for use as parks, recreation areas, school sites or other public purposes, or, if any part is not to be accepted by the county, shown and designated as private parks or open spaces. No parcel of any such area thus provided shall be less than one (1) contiguous acre in size, and all such area shall be physically a part of the area being subdivided. Such areas as provided in accordance with these provisions, which are not to be dedicated to the county, shall be held in nonprofit corporate ownership by the owners of lots within the development. In consideration of the process served by a variable lot residential development, the title to such areas as provided shall be preserved to the perpetual benefit of the public generally or the private properties in the development and shall be restricted against private ownership for any other purpose. Improvements clearly incidental to the purpose of these provisions may be made within the open space, provided that the maximum coverage of each type of improvement shall not exceed the following:

- (1) Aboveground improvements—Three (3) percent of the total open space;
 - (2) Level or belowground improvements — Twenty (20) percent of the total open space.
- e. *Access to open space.* All lots created within the development shall have direct access to all parks or open spaces, as provided, by means of public streets or dedicated walkways or by fact of physical contiguity or other public lands or lands in common ownership by all residents.
- f. *Open space provisions.* Where the open space is to be deeded to a homeowners association or other such nonprofit ownership, the developer shall file a declaration of covenants and restrictions that will govern the open space and the association or nonprofit organization. This declaration shall be submitted prior to final plat approval and shall include but not be limited to the following:
- (1) The homeowners association or the nonprofit organization shall be established before any lots are sold;
 - (2) Membership shall be mandatory for each lot buyer, and any successive buyer;
 - (3) The association shall provide for liability insurance, any taxes and the maintenance of all grounds and facilities;
 - (4) Any sums levied by the association that remain unpaid shall become a lien upon the lot owner's property; and

- (5) If all or any portion of the property held by the association is disposed of or if the association is dissolved, all such property shall be deeded in fee simple absolute title to the county at no cost to the county.
(Comp. Ords., § 3-3.22; Amend. of 7-23-96)

SECTION 3.23. REQUIREMENTS FOR CONDOMINIUM DEVELOPMENTS

Before a declaration establishing a condominium development may be recorded in the office of the Cumberland County Register of Deeds as prescribed in the North Carolina Unit Ownership Act [G.S. § 47A-1 et seq.], the declaration and plan shall be approved by the Planning Department. Such declaration and plan shall conform to applicable subdivision or residential group development requirements as set forth in this ordinance and to the applicable zoning requirements. In addition, the following requirements shall be complied with:

- a. The declaration shall be a complete legal document prepared strictly in accordance with the North Carolina Unit Ownership Act [G.S. § 47A-1 et seq.] and shall be submitted in final form in three (3) copies to the Planning Department at least ten (10) days prior to the submission of the final plat.
- b. The final plan of the proposed development shall contain the following particulars:
 - (1) The unit designation of each unit and a statement of its location, approximate area, number of rooms, and/or immediate common area to which it has access and any other data necessary for its proper identification;
 - (2) Description of the general common areas and facilities as defined in the North Carolina Unit Ownership Act [G.S. § 47A-1 et seq.] and the proportionate interest of each unit owner therein;
 - (3) Description of boundary lines between portions of the structures designed for different ownership;
 - (4) Description of all garages, balconies, patios, etc., which form a part of any unit;
 - (5) Description of any special common areas and/or facilities stating what units shall share the same and in what proportion; and
 - (6) Statement of the purpose for which the building and each of the units are intended and restricted as to use.
- c. The recordation of the declaration and plan shall be completed by the developer within thirty (30) days after approval by the Planning Department in accordance with the provisions of Section 2.7. Where a condominium is submitted as a residential group development, a group development plan as provided in Section 3.21 shall accompany the declaration and plan.

SECTION 3.24. ZERO LOT LINE DEVELOPMENTS

Zero lot line developments shall comply with all the requirements of group developments when not specified herein (Section 3.21), and for the purposes of determining compliance with this appendix and the County Zoning Ordinance, such development plan shall be considered a group development except that a zero lot line development plan shall be proposed for a tract of land less than twenty thousand (20,000) square feet. Residential zero lot line developments shall be exempt from the provisions of subsections a., b. and c. of Section 3.20 of this ordinance entitled "Lot Standards," and Section 6-10.2.t of the County Zoning Ordinance entitled "Lot," provided that any such development complies with all provisions of this section. Further, such development shall be exempt from Section 3.21.k when the total lot area for all units exceeds the minimum zoning ordinance standard for the district or, where no zoning is in effect, an average of six thousand (6,000) square feet per unit.

- a. *Site plans.* Site plans for zero lot line developments shall show the locations of buildings, streets and drives, alleys, walks, parking and recreation areas, yards, residential sites, the boundary of the development, maintenance easements and all common area.
- b. *Building sites.* A building site shall be that property intended for conveyance to a fee simple owner after the construction thereon of a single-family residence or business, and shall be sufficient in size to contain the structure to be constructed thereon and any other proposed components of the property that are to be conveyed. Each site shall abut and have direct access to a public street or private street that is maintained by a homeowners' association.

Building sites, and buildings and accessory buildings thereon, are exempt from all zoning district dimensional requirements of the County Zoning Ordinance, Section 7.3, for lot width, front yard, side yard, rear yard, and building area except as provided in subsection c. below.

- c. *Building yards.* Structures on building sites must meet the following yard requirements:
 - (1) Buildings have direct access to a public street must meet the front yard and/or corner lot provisions of the applicable zoning district.
 - (2) Unless common consent is provided at the time of plan submission, buildings on the periphery of the development plan must meet all setback requirements of the applicable zoning district. The judgment of the Planning Board as to what constitutes front, rear and side yard of each building on the periphery shall be final.

- d. *Density.* The number of residential building sites created shall not exceed the density standard for such developments as stated in the district dimensional requirements for the applicable zoning district, excluding public right-of-way which is dedicated or reserved.
- e. *Homeowners association.* A homeowners' association complying with subsection g, below, shall be mandatory when any triplex units or more are proposed and/or when land is to be held in common.
- f. *Common areas.* All areas of the site plan, other than building sites and public rights-of-way, shall be shown and designated as common areas, the fee simple title to which shall be conveyed by the developer to the homeowners association as specified below. All common areas shall be designated as a single parcel regardless of the proximity of each common area to one or all of the other common areas, and such areas shall not be subdivided or conveyed by the homeowners association. This shall be so stated in the covenants and restrictions, and shall be noted on the final plat.
- g. *Covenants and restrictions.* The developer shall file, along with the application for preliminary approval, a declaration of covenants and restrictions governing the common areas, the homeowners association and the building sites which shall be approved by the County Attorney prior to recording of such documents, and prior to final plan [plat] approval. The restrictions shall contain, but not be limited to, provisions for the following as necessary:
 - (1) The homeowners association shall be organized and in legal existence prior to the sale of any building site in the development.
 - (2) Membership in the homeowners association shall be mandatory for each original purchaser and each successive purchaser of a building site.
 - (3) The homeowners association shall be responsible for the provisions of liability insurance, any taxes, maintenance of recreation and other facilities located on the common areas, payment of assessments for public and private capital improvements made to or for the benefit of the common areas located within the development. It shall be further provided that upon default by the homeowners association in the payment to the governmental authority entitled thereto of any ad valorem taxes levied against the common areas or assessments for public improvements to the common areas, which default shall continue for a period of six (6) months, each owner of a building site in the development shall become personally obligated to pay to the tax assessing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due by the total number of building sites in the development. If such sum is not paid by the owner within thirty (30) days following receipt of notice of the amount due, then such sum shall become a continuing lien on the building site of the then owner, his heirs, devisees, personal representatives and assigns, and the taxing or assessing governmental authority may either bring an

action at law against the owner personally obligated to pay the same or may elect to foreclose the lien against the property of the owner.

- (4) The homeowners association shall be empowered to levy assessments against the owners of building sites within the development for payment of expenditures made by the homeowners association for the items set forth in the preceding paragraph, and any such assessments not paid by the owner against whom such are assessed shall constitute a lien on the building site of the owner.
- (5) Easements over the common areas for access, ingress and egress from and to public streets and walkways, and easements for enjoyment of the common areas and for parking areas shall be granted to each owner of a building site.
- (6) All common walls between buildings shall be party walls, and provisions for the maintenance thereof, and restoration in the event of destruction or damage, shall be established either within the homeowners association or by covenants.
- h. *Proof of subordinate mortgage.* The developer shall submit, along with the final plat, documents showing proof that any mortgage on the property or facility is subject to all easements or rights which may be transferred to the individual building site owner or to the owners association.
- i. *Final plat.* A final plat shall be prepared in accordance with Section 5.2 of this ordinance and in addition shall show the following items:
 - (1) All building sites numbered and bearings and distances given for their boundaries with any buildings as erected thereon.
 - (2) All common areas labeled with the facilities thereon indicated.
 - (3) Any notes as required under this section, including maintenance easements when required.
 - (4) An indication as to the location (book and page number) of the covenants and restrictions governing the plat.
- j. *[Compliance with state law.]* In addition to the above requirements, all zero lot line developments shall comply with the following sections of Chapter 47 of the W.C.G.S. as if such development has been submitted to the provisions of that chapter:
 - (1) 47A-7;
 - (2) 47A-8;
 - (3) 47A-9;
 - (4) 47A-10;
 - (5) 47A-11;
 - (6) 47A-14;

- (7) 47A-18;
- (8) 47A-19;
- (9) 47A-20;
- (10) 47A-23;
- (11) 47A-24.

(Comp. Ords., § 3-3.24; Ord. of 7-29-82; Ord. of 11-24-92; Amend. of 7-23-96)

SECTION 3.25. REQUIREMENTS FOR MOBILE HOME PARKS

The site plan or preliminary plan for mobile home parks in addition to all those items required for preliminary plats in Section 5.1 of this ordinance shall show the location of all proposed structures; electric lighting plans, street name signs, parking areas and drainage facilities.

- a. *Lot area.* The minimum lot area for a mobile home park shall be one (1) acre excluding publicly dedicated right-of-way for streets, floodplain areas and required additional areas for well sites and septic tanks as approved by the County Health Department.

The maximum density of mobile home living units within a mobile home park shall be eight (8) per acre excluding publicly dedicated right-of-way for streets, floodplain areas and required additional areas for well sites and septic tanks as approved by the County Health Department.

- b. *Location of mobile homes.* Each mobile home proposed to be located within the mobile home park shall be shown on the preliminary plan. No direct access shall be allowed for any single mobile home within the mobile home park located along any street classified, proposed or defined by the Fayetteville Urban Area Thoroughfare Plan or locally adopted Collector/Feeder Street Plan and no direct vehicular access onto these streets shall be allowed. Street access and entrance area designs shall conform to the Manual on Street and Driveway Access in Cumberland County standards when located within the Urban Services Area and to NCDOT standards otherwise.
- c. *[Yard space and buffer.]* All mobile homes shall be located at least twenty-five (25) feet apart longitudinally and fifteen (15) feet apart end-to-end or corner-to-corner. All mobile home units shall be located at least twenty-five (25) feet from any permanent building located within the mobile home park.

No mobile home, structure, or building within the mobile home park shall be located within twenty-five (25) feet of a public street right-of-way line. No mobile home shall be located within five (5) feet of the internal drive in the mobile home park.

d. *Improvements.* In addition to all other applicable improvements required by Article IV of this ordinance, the following improvements shall be constructed or implemented prior to occupancy:

- (1) *Parking.* Off-street parking spaces shall be provided in accordance with the applicable zoning district regulations; however, in no case shall there be less than two (2) off-street parking spaces for each mobile home space in the development. There shall be no parking allowed along the internal drives in mobile home parks.
- (2) *Streets and drives.* Any public street required to service a mobile home park shall be designated and constructed to meet NCDOT standards. All other drives and courts shall be designed with a minimum thirty-foot right-of-way and a minimum twenty-foot paved traffic area which is adequately drained. Every dead end street more than one hundred (100) feet in length or servicing more than four (4) mobile home units shall be provided with a turn-around having a radius of not less than forty (40) feet for a traffic surface.
- (3) *Drainage.* The mobile home park shall be situated on ground that will not be susceptible to flooding and graded with drainage facilities installed to transport runoff to an appropriate outfall. When mobile home parks abut an existing public drainage system, they shall be required to tie to the public system and meet all the standards of the public system.
- (4) *Utilities.* Every mobile home space shall be provided with water and sewer facilities to meet Public Works Commission requirements, North Carolina Department of Natural and Economic Resources, or Cumberland County Health Department requirements, and all such plans shall be approved by the appropriate agencies. All wiring in new or remodeled mobile home parks shall be placed underground, except as outlined in Section 4.3h, Other Requirements, of this document [ordinance].

All interior drives and parking lots in the mobile home park shall be lighted. The plans for lighting and all other electrical hookups and wiring shall be approved by the County Electrical Inspector.

All mobile home park developments shall provide trash and garbage storage receptacles for each mobile home unit that shall be approved by the Cumberland County Health Department. The mobile home park owner shall collect and dispose of his trash and garbage in a manner approved by the Cumberland County Health Department. All dumpster and utility areas shall be screened. Dumpster sites shall be located on concrete slabs and be fenced around three (3) sides, minimum. Chainlink fencing may be utilized, but it must be accompanied with an evergreen screen.

- (5) *Recreation.* Each mobile home park shall provide recreation areas to service the needs of the residents of the park which shall consist of no less than five hundred

(500) square feet of recreation area for each mobile home unit. Every recreation area as required or provided shall consist of no less than five thousand (5,000) square feet for mobile home parks with ten (10) or less units and ten thousand (10,000) square feet in mobile home parks with more than ten (10) units, with no less than a one to three (1:3) ratio for a rectangular area. Irregular areas will be judged for usefulness. Each recreation area shall be located on the site plan. Areas within the setback areas can be counted as part of the required recreation/open space area provided they are developed, which would include such items as tennis and basketball courts, jogging trails, etc. These facilities shall not consist of over ten (10) percent of the required recreation/open space area. No portion of the required fifteen-foot perimeter buffer/landscaped area shall be counted as part of the required recreation/open space area. On-site amenities outside of the setback area such as indoor recreation centers, clubhouses, etc. may be utilized as part of the recreation/open space area requirements up to one-half (½) of the required area. Recreation/open space areas dedicated to the public sector shall meet all of the requirements of Section 3.13.1, Required Parks, Open Space, Recreation Area Provisions, of this document [ordinance].

(6) *Perimeter buffer.* All mobile home parks shall have a minimum fifteen-foot wide natural or landscaped buffer area around the perimeter of the park, excluding entrance drives within which no temporary or permanent structures shall be permitted. All mobile home parks shall have a physical barrier (i.e. fencing, hedge, etc.) defining the boundaries of the park. The Schedule of Buffer Width Requirements and the Buffer Requirements Between Residential and Nonresidential Uses in Article XIV, Landscape Ordinance, of the County Zoning Ordinance shall not apply. Additionally, if earth berms, fences and walls are used within the buffer area, the buffer width shall not be reduced. The amount of plant materials specified for a twenty-foot wide buffer shall be applied (see Minimum Amount of Plant Materials Per Buffer Width in Article XIV, Landscape Ordinance, of the County Zoning Ordinance).

(7) *Fire protection standards compliance.* Fire protection standards shall be provided in accordance with the rules and regulations of the fire district in which they are located. All mobile home park plans shall be submitted and approved by the responsible fire district or department prior to occupancy.

(8) *Pedestrian circulation provisions.* All mobile home parks shall contain and maintain minimum three-foot wide internal pedestrian paths to central facilities, such as pools, office areas, laundry facilities, recreation areas, bus stops, etc. These paths, at a minimum, shall consist of a top layer of sand, crushed gravel or similar approved material. The location of these paths shall be shown on the site plan. No occupancy permit shall be issued until these paths are installed.

e. *Mobile home park location requirements on a public or private street built and maintained to NCDOT standards.* All mobile home parks shall be located on a public

or private street built and maintained to NCDOT standards; or on a street accepted by NCDOT and having a minimum of sixty (60) feet of frontage on this street. If the street is not accepted by NCDOT or a governmental jurisdiction, then the owner of the park shall be responsible for the maintenance between the mobile home park and the public street which has been accepted by NCDOT or a governmental jurisdiction. Failure to maintain non-accepted streets to NCDOT standards shall result in the cessation of the operation of the mobile home park until such time that this requirement is met.

- f. *Right-of-way dedication and use.* Any mobile home park site impacted by a proposed thoroughfare shall reserve the right-of-way up to eighty (80) feet. Until this reservation is utilized, the developer is allowed to use the area for mobile home park development. However, this area shall be designated so that it can exist independently from the remainder of the mobile home park so that when the roadway construction commences, it will have little impact on the rest of the mobile home park.
- g. *Maximum mobile home length.* Site plans for mobile home parks shall show the maximum mobile home length and width for which the spaces are designed, and the plan shall state that no mobile home parks exceeding these dimensions shall be allowed in the park.
- h. *New mobile home parks contain only Class A and Class B mobile homes.* All mobile home parks developed after July 1, 1996, shall be restricted to Class A and Class B (as defined by the State of North Carolina) mobile homes only.
- i. *Replacing existing mobile homes.* When mobile home park owners replace a mobile home, they shall notify the County Inspections Department and stake out the site of the new mobile home showing the required setbacks, buffers and separation areas. (Amend. of 7-23-96)

ARTICLE IV. IMPROVEMENTS REQUIRED

Before any subdivision plat shall be eligible for final approval, the following minimum improvements must have been installed, or assured to be installed, in accordance with the provisions of Section 2.6. Guarantees of improvements proposed by the subdivider and exceeding those required by this Article shall be installed in accordance with the standards and requirements for acceptance of the North Carolina Department of Transportation, the standards of the Health Department, the standards of the Planning Board, or the standards of another public body, whichever is applicable.

All of the development in the unincorporated area of the county shall meet at least the minimum standards based on the density of the development as shown in Table III below entitled "Minimum Development Standards for Urban, Suburban and Rural Densities."

TABLE III
MINIMUM DEVELOPMENT STANDARDS FOR
URBAN, SUBURBAN AND RURAL DENSITIES

URBAN 5 OR MORE UNITS PER ACRE	SUBURBAN LESS THAN 5 UNITS PER ACRE	RURAL 2 OR LESS UNITS PER ACRE
Concrete Curb And Gutter Refer to Section 4.1.c	Concrete or Asphalt Rolled Curb And Gutter Refer to Section 4.1.c	NC DOT Standards
Public Water and Sewer Refer to Section 4.3.d	Public Water and Sewer Refer to Section 4.3.d	Public Water and Sewer Refer to Section 4.3.d
Fire Hydrants Refer to Section 4.3.g	Fire Hydrants Refer to Section 4.3.g	Fire Hydrants Refer to Section 4.3.g
Sidewalks Refer to Section 4.1.e	Sidewalks Refer to Section 4.1.e	Sidewalks Refer to Section 4.1.e
Recreation Area Refer to Section 3.13.1	Recreation Area Refer to Section 3.13.1	Recreation Area Refer to Section 3.13.1
Underground Utilities Refer to Section 4.3.h	Underground Utilities Refer to Section 4.3.h	Underground Utilities Refer to Section 4.3.h
Landscape Standards Refer to Zoning Ordinance	Landscape Standards Refer to Zoning Ordinance	Landscape Standards Refer to Zoning Ordinance
Streets Refer to Sections 4.1 and 4.2	Streets Refer to Sections 4.1 and 4.2	Streets Refer to Sections 4.1 and 4.2

(Amend. of 7-23-96; Amend of 10-2-05)

SECTION 4.1. PUBLIC STREETS

- a. Construction. All public streets shall be constructed according to North Carolina Department of Transportation standards and specifications.
- b. North Carolina Department of Transportation Approval. All streets shall be certified by the North Carolina Department of Transportation as being acceptable for future maintenance by the state, provided that other conditions for acceptance and maintenance are met. Until such time that the North Carolina Department of Transportation accepts the public street for maintenance, the property owner shall be responsible for maintenance and for securing final acceptance by the North Carolina Department of Transportation.
- c. Curbs and gutters. All curbs and gutters shall meet the North Carolina Department of Transportation approved standards and specifications. Rolled concrete curb and gutter, if required by this ordinance, shall not be less than twenty-four (24) inches.
- d. *Required drainage.*
 - (1) Drainage systems shall be installed by the subdivider in accordance with the North Carolina Department of Transportation standards and specifications and in accordance with the North Carolina Department of Environmental Management Sedimentation and Erosion Control laws and regulations.
 - (2) Upon adoption of a storm drainage manual by the Board of County Commissioners, all storm drainage systems shall be designed and installed in accordance with manual.
- e. *Sidewalks.*
 - (1) Urban. All development with a density of five (5) or more dwelling units per acre shall be required to construct concrete or other approved surfaces sidewalks on one side of all streets.
 - (2) Suburban. All development with a density of less than five (5) and more than two (2) dwelling units per acre shall be required to construct concrete sidewalks on one side of minor thoroughfare (collector) streets.
 - (3) Rural. Sidewalks are not required.
 - (4) Cost. The cost shall be shared on a fifty-fifty (50/50) basis between the affected governing body and the developer on collector and arterial street (as defined in the adopted Fayetteville Urban Area Thoroughfare Plan or Collector/Feeder Street Plan) not within their development. The developer is required to pay the entire cost of all sidewalks within the development.

- (5) Requirements. Where walks are installed adjacent to parking areas, the walks shall accommodate vehicular bumper overhang and be functional. Sidewalks shall also meet the American Disabilities Act (ADA) Standards. The County Engineer shall review and approve all sidewalk plans.
(Comp. Ords., § 3-4.1; Ord. of 2-21-94; Amend. of 7-23-96; Amend. of 10-2-00)

SECTION 4.2. PRIVATE STREETS*

Private streets will be permitted to serve as access within residential developments; however, dedication of public streets and other rights-of-way or easements may be required if such are indicated on the official plans as adopted by the Cumberland County Board of Commissioners, a governing body of a municipality in Cumberland County or the Cumberland County Joint Planning Board. Public streets and/or other rights-of-way or easements or public access over private streets will be required where the Joint Planning Board or the North Carolina Department of Transportation, or Public Works Commission determines that such are necessary in order to promote the continuity of existing streets or utility systems or otherwise protect and promote the public health, safety and welfare. Class C private streets shall not be approved in Urban Services Areas.

Unless otherwise approved by the Planning Department, the developer shall reserve enough area along all private streets to meet North Carolina Department of Transportation specifications for right-of-way width requirements on secondary roads. Such area as is required to be reserved may not be used toward lot area requirements or be included in any required yard space.

- a. *Maintenance.* Except for subdivisions containing only private streets permitted to be constructed under Section C of the *Minimum Design Specifications, Private Streets*, all subdivisions containing private streets shall create a homeowners association for maintenance of such streets.

In developments that are to be retained under single ownership and units or lots will be for rental purposes only, maintenance of private streets shall be provided, the same as for open space or other facilities for the purpose of common use. Upon determination by the Cumberland County Board of Commissioners that such private streets as approved are not in a proper state of maintenance, the Board of Commissioners may, in addition to other remedies, prevent reoccupancy of any structure to which such streets provide access until such streets are in a proper state of maintenance as determined by the Board of Commissioners.

- b. *Access to government agency.* In any development where private streets are provided, the developer shall prepare for Planning Department approval and record in the Office of the Cumberland County Register of Deeds, a plat of such development indicating all private streets. It shall be indicated on such plat that any governmental agency or personnel or equipment thereof shall be granted perpetual access over all such private streets to accomplish or fulfill any service or function for which the

agency is responsible and that any agency or organization designated by a governmental agency to perform a designated function shall also retain access the same as any governmental agency. It shall be indicated on such plat that any agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, rights-of-way or easements.

- c. *Minimum design specifications for private streets.* The following specifications shall be the minimum accepted for private streets. In all developments, except as listed below, minimum asphalt paving and base construction is required at least to the minimum standards of the NCDOT for residential streets. When curb and gutter sections are omitted, 45 foot right-of-way must be provided. On all private streets, clearing and grubbing will be completed within 5 feet of each edge of the travel way on Class C streets or within 5 feet of the edge of pavement or surface for class A or B streets.

A. Minimum Private street Construction Standards for subdivisions with more than 7 lots:

1. All street construction and drainage standards shall meet or exceed NCDOT's design specifications for residential streets.
2. No area of any lot shall be included in rights-of-way.
3. Street(s) shall be retained by developer or either turned over to and accepted by the NCDOT or maintained by an established Homeowners association, as approved by the County Attorney and supported by recorded legal documentation addressing a street maintenance agreement.
4. Refer to Section 3.21 for private street requirements within group developments

B. Minimum Private street Construction Standards for subdivision streets serving 5 to 7 lots:

1. All street construction and drainage standards shall be met or exceed the design specifications of the NCDOT for residential streets with a rural cross-section with appropriate amount of either crusher run or gravel as certified by a professional engineer or surveyor.
2. Property lines shall be included in the street easement.
3. All such private streets shall connect to a state maintained road or an approved Class A private street.
4. Group developments shall be limited to a maximum of 2 single-family units per lot.

C. Minimum private street construction standards for subdivision streets serving 1 to 4 lots:

1. A minimum passable travel way 20 feet wide shall be provided within a 45 foot easement.
2. An adequate drainage system shall be constructed in accordance with designs submitted to and approved by the County Engineer.
3. All such private streets must directly connect to a state maintained road or a Class A private street.
4. Group developments shall be limited to a maximum of 2 single-family units per lot.
5. Property lines shall be included in the street easement.

* If a division of the same or adjacent lands previously approved under this heading occurs which could change the entire status of the street to A or B classifications above, then the entire street must be upgraded to the applicable higher standard. The owner desiring to create the additional divisions of land shall be responsible for the upgrading of the streets to the standards.

For Class B and C private streets, flag lots into the street right-of-way to the public street of access shall be prohibited.

Note: The above specifications were approved [March 18, 2002]
(Amend. of 3-18-02)

- d. *Certification of construction.* Except for subdivisions containing only private streets permitted to be constructed under Section C of the *Minimum Design Specifications, Private Streets*, upon completion of construction of private streets and related facilities including drainage ways, the developer shall provide for an inspection of all such facilities by a Registered Engineer, who shall provide in writing a statement that all private streets and related facilities are constructed in accordance with the requirements of *Minimum Design Specifications, Private Streets, Cumberland County* and that all such facilities are adequate to serve the development. Such statement shall be affixed with the engineer's seal and submitted to the Planning Board and approved prior to the recording of the final plat or release of any construction guarantees as required under Section 2.6 of this ordinance.

For subdivision private streets permitted to be constructed under Section C of the *Minimum Design Specifications, Private Streets, Cumberland County*, the storm drainage plans for such private streets shall be submitted to and approved by the County Engineer prior to final plat approval. The County Engineer shall approve such design plans if deemed adequate to maintain the private street as originally

constructed. Note: Since there are no maintenance requirements for such private streets, there shall be no liability on the County, County Engineer or other County employee after such review.

***Note**—Section 4.2 repealed and recreated in its entirety effective January 7, 1980. (Ord. of 9-25-84, § 10; Ord. of 2-21-94; Amend of 7-23-96)

SECTION 4.3. OTHER REQUIREMENTS

- a. *Monuments.* Monuments of a permanent material shall be installed in accordance with the North Carolina General Statutes, Chapter 39, Article 5A [§ 39-32.1 et seq.], and at such points as may be consistent with good engineering practice.
- b. *Removal of rubbish.* All cut or fallen trees, stumps or rubbish shall be completely burned or in other ways removed from the subdivision.
- c. *Drainage.* During the construction, preparation, arrangement, and installation of subdivision improvements and facilities in subdivisions located at or along a watercourse, the developer shall maintain the watercourse in an unobstructed state and shall remove from the channel and banks of the watercourse all debris, logs, timber, junk and other accumulations of nature that would, in time of flood, clog or dam the passage of waters in their downstream course; provided that installation of appropriately sized stormwater drains, culverts, bridges, levee systems or closure structures in a levee system shall not be constructed as obstructions in the stream.
- d. *Public water and sewer systems:*
 - (1) *Generally.* Where the installation of public water and/or sewer systems is prerequisite to approval of lot sizes and standards, such systems shall be installed and certified prior to final plat approval or assured to be installed in accordance with the provisions of Section 2.6.
 - (2) *When connection to sanitary sewer and public water is required.* Where any portion of a subdivision, group development or mobile home park of two (2) to ten (10) units or lots is within three hundred (300) feet of public water or sewer, the public utilities shall be extended. Where any portion of ten (10) to twenty (20) lots or units is within five hundred (500) feet of public water or sewer, the public utilities shall be extended. For more than twenty (20) lots or units within the Urban Services Area, and where density is greater than two (2) units per acre, the extension of public water and sewer service is required. Where any portion of a subdivision, group development or mobile home park is within 1,000 feet of the Little Rockfish Creek-Bones Creek Sanitary Sewer Interceptor System that was funded by the County of Cumberland or is required to connect to this system based on any of the above regulations, the public utility shall be extended. Prior to all connections to the Little Rockfish Creek-Bones Creek Sanitary Sewer Interceptor System and prior to issuance of any building permits, a connection fee must be made to the County of Cumberland to be administered by the County

Engineering Department. The planning board may make exceptions to these requirements when any of the following conditions warrant:

- (1) Public sanitary sewer is within a different drainage basis or sub basin;
 - (2) The public utility is located beyond the jurisdiction of the Planning Board, and the public utility provider will not agree to extend service;
 - (3) Crossings of Rockfish Creek, Lower Little River, South River, Cape Fear River, controlled access highways such as Interstate 95, Business 95 and the Fayetteville Outer Loop;
 - (4) Extensions exceeding two thousand (2,000) feet from existing public services;
 - (5) Property is located outside of municipal governments' approved master plan.
 - (6) When determined by the County Engineer that the extension is not feasible, the County may accept a connection fee and waive the 1,000-foot extension requirement. The County Engineer shall submit his written recommendation to the Planning Board.
- e. *Street signs.* All streets within a subdivision shall be marked with a street name sign of a design and location approved by the Planning Department.
- f. *Levee system.* A levee system to protect lots from flooding shall be approved, constructed, certified, operated, and maintained only in accordance with the provisions of Chapter 6.5 (Flood Damage Prevention) of this Code.
- g. *Fire hydrants.* Fire hydrants are required when a development subject to this ordinance is located in the Urban Services Area, and the subdivision is to be served by a community, municipal or county water system. Fire hydrants in developments subject to this ordinance are also required in any area of the county where a county or municipal water system is used for the water supply.
- (1) Fire hydrants shall be located no more than one thousand (1,000) feet apart and at a maximum of five hundred (500) feet from any residential or commercial lot;
 - (2) Each fire hydrant shall have a minimum eight-inch main supply line;
 - (3) Fire hydrants shall be maintained by the entity supplying water thereto; and
 - (4) Standard hydrant design (National Standard Thread, 4½-inch steamer, (2) 2½-inch discharge connections, etc.) and maintenance be utilized throughout the county.

- h. *Underground utilities required.* All development shall have utilities placed underground where practical. High voltage electrical lines as defined in Section 1.8(k) shall be exempt from this requirement.
(Comp. Ords., § 3-4.2; Ord. of 7-24-84; Ord. of 9-25-84, § 11; Ord. of 12-5-86, § 2; Ord. of 2-23-88; Ord. of 2-21-94; Amend. of 7-23-96; Amend. of 1-21-98; Ord. of 9-20-99)

ARTICLE V. PLATS AND SUBDIVISION DATA

SECTION 5.1. THE PRELIMINARY PLAT AND SUPPORTING DATA

The preliminary plat shall be drawn to scale of not less than two hundred (200) feet to the inch nor more than fifty (50) feet to the inch. It shall be superimposed on a topographic map with contour lines shown at one- or two-foot intervals. In addition, the preliminary plat shall show the following:

- a. *Title data.* Subdivision name, the names and addresses of the owner or owners, name of the designer of the plat, the scale, date and approximate north point;
- b. *Vicinity sketch.* A key map or vicinity sketch at a scale of not less than one (1) inch = one thousand (1,000) feet showing the relation of the property to adjoining properties;
- c. *Existing data.* Location of existing and platted property and street lines, existing buildings, water mains, sewers, drainpipes, culverts, bridges, watercourses, railroads and spurs, political boundary lines, zoning district lines, parks, playgrounds, public easements both on the land to be subdivided and on the land immediately adjoining, names of existing streets on and adjoining the land to be subdivided, and the names of adjoining subdivisions and property owners;
- d. *Data relating to proposed subdivision.* The names, locations and dimensions of proposed streets, alleys, crosswalks, lots, easements, building setback lines, building restriction flood lines, parks, playgrounds and other open spaces, and a copy of any proposed deed restrictions or restricting covenants;
- e. *Data relating to surrounding area.* Where the preliminary plat submitted includes only a part of the subdivider's tract, an additional sketch showing the prospective future street system, proposed public open spaces and other features for the development of the entire tract shall accompany the preliminary plat;
- f. *Utility plans.* Preliminary plans of proposed utility layouts for public water and/or sewer, if these utilities are to be furnished to the subdivision, shall be provided. Where public water and/or sewer is not to be provided, the preliminary plan shall contain a statement as to the proposed method of water supply and/or sewage disposal;

- g. *Street cross sections.* Typical cross sections of proposed streets shall be drawn, showing width and proposed construction of roadways at a scale of not less than thirty (30) feet to the inch; and
- h. *Other improvements.* Where other improvements are to be provided in the subdivision, appropriate plans shall accompany the preliminary plat.
(Comp. Ords., § 3-5.1; Amend. of 7-23-96)

SECTION 5.2. THE FINAL PLAT

The final plat shall be submitted as a reproducible map in cloth, linen, film or other permanent material; shall be drawn to a scale not larger than fifty (50) feet to the inch, and not less than two hundred (200) feet to the inch; and shall have an outside margin size of either eighteen (18) by twenty-four (24) inches or twenty-four (24) by thirty-six (36) inches. Where size of land areas require, maps may be shown on two (2) or more sheets with appropriate match lines, and each section shall contain a key map showing the location of the sections. In addition, the final plat shall show the following:

- a. General. The final plat shall conform to the approved preliminary plat and to the requirements of North Carolina General Statutes Section 47-30.
- b. Engineer's or surveyor's certificate. There shall appear on each final plat a certificate by the person making the survey, or on each map where no survey was made, a certificate by the person under whose supervision such survey or such map was made, stating the origin of the information shown on the map, including deeds and any recorded data shown thereon. If a complete survey was made, the error of closure as calculated by latitudes and departures must be shown. Any lines on the map that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgements by the person preparing the map. All maps to be recorded shall be probated as required by law for the register [registration] of deeds. The certificate shall include the source of information for the survey and data indicating the accuracy of closure of the map and shall be in substantially the following form:

"I, _____, certify that this map was (drawn under my supervision) from (actual survey made under my supervision)(deed description recorded in Book _____, page _____; Book _____, page _____, etc.)(other); that the error of closure 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 North Carolina General Statutes, Section 47-30, as amended."

Witness by hand and seal this _____ day of _____, AD 20____.

(Acknowledgement)

Surveyor or Engineer

- c. Certificate of ownership and dedication. On the final plat, the following shall be printed over the signature of the owner(s):

“The undersigned here acknowledges that the land shown on this plan is within the subdivision regulation jurisdiction of Cumberland County and that this plat and allotment is (my or our) free act and deed and that (I or we) do hereby dedicate to public use as (streets, parks, playgrounds, school site, open spaces and easements) forever all areas so shown or indicated on said plat.”

Owner’s Signature

- d. Certificate of Registration. Space shall be provided on the final plat for the Certificate of Registration on the Register of Deeds as required by law.
- e. Certificate of approval of final plat. The following certificate shall appear on the final plat with a blank line provided for the signature of the Chairman of the Planning Board or Planning Director:

“Approved by the Cumberland County Joint Planning Board on the _____ day of _____, 20____.”

Signed _____ (Seal)
Chairman/Planning Director

- f. Certificate of private street status. The following certificate shall appear on any final plat containing a private street as provided in this ordinance (see Section 4.2):
- “No public agency is presently responsible for maintenance of the several private streets shown on this plat. Private streets are for the use of all owners of property within this subdivision, their guests and all representatives of governmental agencies for ingress and egress, and for the construction, inspection and maintenance of streets, utilities and drainage.”
- g. Farmland Protection Area disclosure notice. All final plats or deeds for subdivisions located within the designated Farmland Protection Area, as defined on the current Land Use Plan Map, shall contain a disclosure notice that states that “this property or neighboring property may be subject to inconvenience, discomfort and the possibility of injury to property and health, arising from normal and accepted farming and agricultural practices and operations, including but not limited to noise, odors, dust,

the operation of any kind of machinery, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides.”

- h. On-Site water and/or Sewer Disclosure Notice. The following statement shall be on any final plat for property not served by public water and/or sewer “Individual lots does not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private water wells as of the date of this recording.
(Comp. Ords., § 3-5.2; Ord. of 10-25-83; Ord. of 9-24-85; Amend. of 7-23-96; Amend. of 10-2-00)

State law references—Plats and subdivisions; mapping requirements for registration, G.S. § 47-30.

ARTICLE VI. LEGAL PROVISIONS

SECTION 6.1. WAIVERS

The Planning Board may waive the requirements of this ordinance where it finds by resolution that:

a. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and

b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and

c. The property owner would not be afforded a special privilege denied to others.

In granting waivers, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.

(Comp. Ords., § 3-6.1; Amend. of 7-23-96; Amend. of 9-19-05)

SECTION 6.2. RESPONSIBILITY OF THE REGISTER OF DEEDS

From and after the adoption of this ordinance by the Board of Commissioners and the filing of a copy with the Register of Deeds, no subdivision plat of land within the county's subdivision regulation jurisdiction shall be filed or recorded until it shall have been submitted to and approved by the Planning Department and until such approval shall have been entered on the face of the plat in writing, by the director of the Planning Department. The Register of Deeds shall not file a plat of subdivision land located within

the territorial jurisdiction of Cumberland County as defined in Section 1.8 of this ordinance, which has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat where such recording would be in conflict with this section.

(Comp. Ords., § 3-6.2; Ord. of 9-25-84, § 12; Amend. of 7-23-96)

SECTION 6.3 DEED DISCLOSURES

SECTION 6.3.1 PRIVATE STREETS

Every deed created for a lot served by a private street within the jurisdiction of this Ordinance and to be filed with the Register of Deeds for Cumberland County shall include the following disclosure: "It is hereby acknowledged that a Subdivision Streets Disclosure Statement has been executed in accordance with G S. 136-102.6."

(Comp. Ords., § 3-6.3; Amend. of 7-23-96; Amend. of 10-2-05)

SECTION 6.3.2 ON-SITE SEWER AND/OR WATER SYSTEM

Every deed created for a lot to be served by an on-site water and/or sewer system within the jurisdiction of this Ordinance and to be filed with the Register of Deeds for Cumberland County shall include the following disclosure: "Public water and/or sewer services are not available, as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the Health Department."

(Amend. of 10-2-00)

SECTION 6.4. THE APPROVAL OF PLAT NOT TO CONSTITUTE ACCEPTANCE OF DEDICATION

The approval of a plat pursuant to this ordinance shall not be deemed to constitute or effect the acceptance by the county or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.

(Comp. Ords., §3-6.4; Amend. of 7-23-96)

SECTION 6.5. PENALTY

From and after the effective date of this ordinance, any person who being the owner, or agent of the owner, of land located within the platting jurisdiction of this ordinance as defined in Section 1.4., thereafter transfers or sells such land by reference to a plat showing a subdivision of land before such plat has been properly approved under this ordinance and recorded in the office of the Register of Deeds, shall be guilty of a misdemeanor. The description of metes and bounds in the instrument of transfer, or other document used in the process of selling or transfer, shall not exempt the transaction from

such penalties. The county, through its County Attorney or other official designated by the Board of Commissioners, may enjoin such illegal transfer or sale by action for jurisdiction.

(Comp. Ords., § 3-6.5; Amend. of 7-23-96)

SECTION 6.6. VALIDITY

If any article, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Commissioners hereby declares that it would have passed this ordinance and each article, section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one (1) or more article, section, subsection, sentence, clause, or phrase be declared invalid.

(Comp. Ords., § 3-6.6; Amend. of 7-23-96)

SECTION 6.7. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of Cumberland this the first day of July, 1970.

(Comp. Ords., § 3-6.7; Amend. of 7-23-96)

ARTICLE VII. FEES

SECTION 7.1. FEES

For each preliminary plat, final plat, each group development plan, and each site plan as required under Appendix A, Article VI filed, the owner or agent of said property shall pay a nonrefundable filing fee to the Cumberland County Joint Planning Board in accordance with a fee schedule recommended by the Planning Board and approved by the County Commissioners.

(Ord. of 3-27-90, § 2; Amend. of 7-23-96)