

Robeson County Subdivision Regulations

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ARTICLE I

INTRODUCTORY TO PROVISIONS

Section 101. Title

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

Section 102. Authority

By the authority of Article 8 and Subsection 801 of Chapter 160D of the North Carolina General Statutes, the Robeson County Board of Commissioners does exercise the powers and authority to regulate the subdivision of land within the territorial planning and development regulation jurisdiction of Robeson County.

Section 103. Purpose

The purpose of this ordinance is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of the Robeson County. It is further designed to provide for:

- A. The orderly growth and development of the County;
- B. The coordination of streets and highways within a proposed subdivision with existing or planned streets and highways along with other public facilities;
- C. The dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and rights-of-way or easements for streets and utility purposes;
- D. The distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety and general welfare;
- E. To facilitate adequate provision of water, sewage, parks, schools and playgrounds, and to also facilitate the division of larger tracts into smaller parcels of land; and
- F. To facilitate the subdivision of tracts of land into smaller parcels

Section 104. Intent

It is the general intent of this ordinance to regulate the division of land so as to:

- A. Obtain the wise use, construction, protection and proper development of Robeson County's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base;

- B. Lessen congestion in the streets and highways
- C. Provide adequate light and air;
- D. Prevent the overcrowding of land;
- E. Facilitate adequate provisions for housing, transportation, water, sewerage and other public facilities or requirements;
- F. Further the orderly layout and appropriate use of land;
- G. Secure safety from fire, flooding, water pollution, disease and other hazards;
- H. Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects;
- I. Prevent and control erosion, sedimentation and other pollution of surface and subsurface waters;
- J. Preserve natural vegetation and cover and promote the natural beauty of Robeson County;
- K. Restrict building sites on flood lands, areas covered by poor soils or in other areas poorly suited for development;
- L. Facilitate the further division of larger tracts of land into smaller parcels;
- M. Ensure adequate descriptions and proper survey monumentation of subdivided land;
- N. Provide for the administration and enforcement of this Ordinance and provide penalties for its violation; and
- O. Implement those county, regional or other comprehensive plans and their components adopted by Robeson County.

Section 105. Jurisdiction

This Ordinance and all its regulations will apply to all land located within the planning and development regulation jurisdiction of Robeson County and outside the jurisdiction of any incorporated municipality in accordance with N.C.G.S 160D, Article 2

Section 106. Administration and Enforcement

Robeson County Community Development will administer and enforce this ordinance and all regulations within. The Robeson County Board of Commissioners designates the Director of Community Development to make any administrative decisions pertaining to this ordinance after the adoption of this ordinance. The director may designate staff to make administrative decisions.

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ARTICLE II

LEGAL PROVISIONS

Section 201. Conflict with Public Provisions

It is not intended that this ordinance repeal, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

Section 202. Separability

Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, that decision will not affect the validity of this ordinance as a whole or any part other than the part declared to be unconstitutional or invalid.

Section 203. Recording of Subdivision Plats

Pursuant to 160D-803(d) After the effective date of this ordinance, no subdivision of land located within the planning and development jurisdiction of the Robeson County shall be filed or recorded until it has been submitted to and approved by the appropriate Board, Committee, or Administrator/Review Officer as specified in this Ordinance, and until this approval has been entered on the face of the plat in writing by the appropriate representative of that Board, Committee or Administrator/Review Officer.

The review officer, pursuant to G.S. 47-30.2, shall not certify a subdivision plat that has not been approved in accordance with these provisions nor shall the clerk of superior court order or direct the recording of a plat if the recording would be in conflict with this section.

Section 204. Effect of Plat Approval Dedications

Pursuant to N.C.G.S 160D-806, the approval of a plat shall not be deemed to constitute or effect the acceptance by the Robeson County or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat and shall not be construed to do so.

Section 205. Penalties for Transferring Lots in Unapproved Subdivisions

After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this ordinance, subdivides their land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this ordinance and recorded in the Office of the Robeson County Register of Deeds, **will be guilty of a misdemeanor.** The description by metes and bounds in the instrument of

transfer or other document used in the process of selling or transferring land will not exempt the transaction from this penalty. The County may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land and the court will upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision regulation. Building permits required pursuant to G.S. 160D-1108 may be denied for lots that have been illegally subdivided. **N.C.G.S 160D-807(a)**

205.1 The violation of any provision of this ordinance shall subject the offender to a civil penalty in the amount of \$150.00 to be recovered by the County. Violators shall be issued a written citation which must be paid within ten (10) days.

205.2 Each day's continuing violation of this ordinance will be a separate and distinct offense.

205.3 In addition to subsection 205.1 above, this ordinance may be enforced by appropriate equitable remedies issuing from a Court of competent jurisdiction.

205.4 Nothing in this section should be interpreted to limit the use of remedies available to the County. The County may seek to enforce this ordinance by using any one, all, or a combination of remedies.

Section 206. Variances

The Board of Zoning Adjustment may authorize a variance from these regulations when undue hardship may result from strict compliance. In granting any variance the Board of Zoning Adjustment should make the findings required below, considering the nature of the proposed subdivisions, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Board of Zoning Adjustment finds:

- A.** That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.
- B.** That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- C.** That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristics of other parcels in the jurisdiction of this ordinance.
- D.** That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated.

Section 207. Amendments

The Board of County Commissioners may from time-to-time amend the terms of this ordinance, but no amendment will become effective unless it has been proposed by or has been submitted to the Planning Board for review and recommendation. The Planning Board will have thirty (30) days from the time the proposed amendment is reviewed, to submit its recommendation to the Board of Commissioners. If the Planning Board fails to submit a recommendation within the specified time, the amendment(s) will be received as an approved recommendation by the Planning Board.

No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Robeson County area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not less than ten (10) nor more than fifteen (15) days prior to the hearing date. In computing the ten (10) to fifteen (15) day periods, the date of publication is not to be counted, but the date of the hearing is.

Section 208. Appeals

Appeals of any decision shall be heard by the Zoning Board of Adjustment and must follow the guidelines and procedures pursuant Article 9 of the Robeson County Zoning Ordinance.

Section 209. Effective Date

This Ordinance shall repeal and replace the August 17,1987 Ordinance in its entirety.

Section 210. Adoption

Duly adopted by the Board of County Commissioners of the County of Robeson, North Carolina, this the 16th day of November, 2020.

Robeson County Board of Commissioners
Chairman, Lance Herndon

ATTEST: _____
Clerk to the Board of County
Commissioners

ARTICLE III

PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISIONS

Section 301. General Purpose

The purpose of this article is to establish the procedure to be followed for submitting plats for approval by the developer or subdivider. Each subdivision type will follow different procedures as outlined in this Article.

Section 302. Plats Will be Required on any Subdivision of Land

Pursuant to N.C.G.S 160D-804, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place.

Section 303. Approval Prerequisite to Plat Recordation

Pursuant to N.C.G.S. 160D-804, no final plat of a subdivision within the jurisdiction of Robeson County, as stated in section 105 of this ordinance, will be recorded by the Robeson County Register of Deeds Office until it has been approved by the appropriate board, committee or administrator as provided herein. To secure such approval, the developer must follow the procedures for the appropriate type subdivision as provided in this ordinance.

Section 304. Thoroughfare Plans

Where a proposed subdivision includes any part of a thoroughfare which has been designated as such upon the officially adopted thoroughfare plan of Robeson County, that portion of thoroughfare shall be platted by the developer in the location shown on the plan and at the width specified in this ordinance.

Section 305. School Sites on Land Use Plan

If the Robeson County Board of Commissioners and the Board of Education have jointly determined the specific location and size of any school sites to be reserved and this information appears in the comprehensive land use plan, the Robeson County Board of Commissioners shall immediately notify the Board of Education whenever a sketch plan for a subdivision is submitted which includes all or part of a school site to be reserved. The Board of Education shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall then have eighteen (18) months, beginning on the date of final approval of the subdivision within, to acquire the site by purchasing or by exercise of the power of eminent

domain. If the Board of Education has not purchased or begun proceedings to condemn the site within eighteen (18) months, the sub divider may treat the land as freed of the reservation.

Section 306. Zoning and Other Plans

Similarly, proposed subdivisions must comply in all respects with the requirements of the Zoning Ordinance in effect in the area to be subdivided as well as any other officially adopted plans when and where applicable. Where there is a conflict of any combination of regulations of these plans, the stricter of the regulations shall apply.

Section 307. Statement by Owner

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

Section 308. Types of Subdivisions

For the purpose of this ordinance, “subdivision” means any division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions, for the purpose of sale or building development, whether immediate or future. Subdivisions shall be classified into four (3) types. This ordinance only regulates the first two (2), Major and Minor. Exempt subdivisions are included in the list to help applicants determine which category they are in. The specific review procedure for each plat depends upon its classification. Subdivision plats shall be classified as follows:

A. Minor Subdivision

Any subdivision containing five (5) or fewer lots with access to an existing public street, not involving any new street or road or the creation of any public improvements.

B. Major Subdivisions

Any subdivision not classified as Minor Subdivision, containing six (6) or more lots with the dedication of any new street or right-of way, including but not limited to lots with access to a public street.

C. Exempt Subdivisions

The following are not subject to any subdivision regulation pursuant to this ordinance:

1. The combination or recombination of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the regulations in this ordinance.
2. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.

3. The division of land into parcels greater than ten (10) acres where no street dedication is involved.
4. The division of a tract in single ownership whose entire area is no greater than two (2) acres, into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the regulations in this ordinance.
5. The division of a tract into parcels in accordance with the terms of a probate will; or the division and conveyance of a lot or tract to a spouse or a person who would be considered a lineal heir of the grantor if the grantor had died intestate immediately prior to the conveyance as provided in Chapter 29 of the NC General Statutes provided the following:
 - i. The grantor has not previously divided and/or conveyed a lot of land to the grantee from the same tract or parcel of land unless the conveyance results in the combination or recombination as provided for in subsection (D)(1) of this section;
 - ii. No more than ten (10) lots have been subdivided from the same tract of land within five (5) years of the current division.;
 - iii. For any lot that does not abut a state-maintained road a private road that meets or exceeds the requirements of Section 407 is constructed and a road maintenance agreement is signed and submitted. Lots may adhere to the size requirements pursuant to Section 3.6 of the Robeson County Zoning Ordinance.
6. The division and or conveyance of a lot or tract of land to a collateral heir if no living lineal heir exists, provided that the requirements in Section 308(C)(5).
7. The division of land for cemetery lots or burial plots.
8. The division of lots which exclusively abuts a state-maintained road provided the following:
 - i. Any lot dimension size requirements of the applicable land-use regulations, if any;
 - ii. The use of the lots is in conformity with the applicable zoning requirements, if any; and reviewed and approved by TRC;
 - iii. All proposed lots must have access to County Water.

D. Expedited Review

The County may require only a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:

1. The tract or parcel to be divided is not exempted under 308(C)(3)
2. No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
3. The entire area of the tract or parcel to be divided is greater than five acres.
4. After division, no more than three lots result from the division.
5. After division, all resultant lots comply with all of the following:
 - iv. Any lot dimension size requirements of the applicable land-use regulations, if any.

- v. The use of the lots is in conformity with the applicable zoning requirements, if any.
- vi. A permanent means of ingress and egress is recorded for each lot. An expedited review application and associated fee(s) shall apply and be submitted to Community Development prior to approval.

The Robeson County Department of Community Development must determine if a subdivision is exempt under Subsection (C) of this Section. Only when Community Development has made such determination will the subdivision be exempt from any subdivision regulation provided in this ordinance.

Section 309. Approval of Exempt Subdivision Plats and Expedited Review

The determination and certification of any subdivision plat thought to be exempt from the regulations of this ordinance will be made only after the review requirements in this section have been met.

Figure 1. OVERVIEW OF EXEMPT SUBDIVISION REVIEW PROCESS

1. Application Submittal
2. Staff Review
3. Certification and Recording of Plat

309.1. Application Submittal

The developer shall submit the Exempt Subdivision application and pay the appropriate fee to Community Development prior to the approval of the plat.

309.2. Staff Review

Community Development staff has a minimum of two (2), but not more than five (5) working days to review the application to ensure all requirements have been met. If it is found that the application does not meet the standards of this section, or more documentation is required, or is not considered Exempt based on the Standards of Section 308(C), the application along with any comments will be returned to the applicant and may be re-submitted when corrections have been made.

309.3. Certification and Recording of Plat

Once it has been determined that the application meets the requirements of this section and section 308(C), the application will then be forwarded to the Administrator and/or the Review Officer for final review and certification. At such time that the plat is certified, it will be returned to applicant for recording.

Section 310. Approval of Minor Subdivisions

The decision to approve or deny any subdivision classified as a Minor Subdivision, defined in Section 308(A), will be made only after the procedures in this section have been followed.

Figure 2. OVERVIEW OF MINOR SUBDIVISION PROCEDURE

1. Informal consultation – Community Development Staff
2. Review by Robeson County Department of Environmental Health
3. Engineering and Surveying work if necessary
4. Road name approval and E-911 address by Robeson County Mapping Department.
5. Application Submittal and Staff Review
6. Approval and Recording of Plat

310.1. General Procedures

- A.** Minor Subdivisions may be submitted to Robeson County Community Development for Preliminary Plat, Construction and Final Plat review simultaneously since there are no public improvements involved. Since minor subdivisions are easily reviewed by Community Development there is no deadline for submittal. The applicant shall pay any administrative fee at the time of the application or request. They also shall submit the required number of prints of the plat with the application. Minor Subdivisions involving access to more than three (3) lots on any private road, shall have the access road named. The applicant must apply for and follow procedures in doing so through Robeson County Mapping Department.
- B.** Minor Subdivisions who’s lots abut a state-maintained road must obtain and submit to Community Development a driveway permit from the NC Department of Transportation.
- C.** Minor subdivisions shall be reviewed by the Robeson County Department of Environmental Health for the issuance of an improvement and construction of septic permit. This approval shall be in a form prescribed by the issuing agency.
- D.** Community Development shall review the application and if everything is in order the administrator or review officer shall approve the plat as a minor subdivision.
- E.** The plat shall be submitted to the Robeson County Register of Deeds Office for recording by the applicant within the time limit specified in these regulations.

310.2. Minor Subdivision Consideration

In order for the subdivision to be considered a minor subdivision the following requirements must be met:

- 1. The subdivision must meet the requirements of the minor subdivision definition.
- 2. The plat must meet all requirements and standards for Final Plats as required in Section 312.
- 3. There can be no variances requested from the subdivision regulations.

4. There cannot be, as a result of such subdivision, a creation of any lots which fail to meet all requirements of the subdivision regulations.
5. No developer or subdivider may use the minor subdivision procedure in the same immediate location (approximately fifteen hundred [1,500] feet) after getting subdivision approval using said procedure in said location, if they own, have an option to own, or has any legal interest in any property to be subdivided except:
 - i. A developer or subdivider may use the minor subdivision procedure more than once to create up to five (5) individual lots for minor provided all subdivision requirements are met. The total number of lots from a single tract or parcel shall not exceed five (5) lots.
6. Any private road or easement shall meet the specifications of a Class I road as provided in Section 407 of this ordinance and the private road must be shown on the plat. This road must be constructed and approved by the Subdivision Administrator or their designee prior to the approval of the plat for the Minor Subdivision.
7. If a minor subdivision does not meet the above listed requirements, it shall be reviewed as a major subdivision unless otherwise provided.

Section 311. Approval of Major Subdivisions

The decision to approve or deny any subdivision classified as a Major Subdivision, defined in Section 308(B), will be made only after the procedures in this section have been followed.

Figure 3. OVERVIEW OF MAJOR SUBDIVISION PROCEDURE

1. Sketch Plan
2. Preliminary Plat
3. Construction Plan
4. Final Plat

The overriding consideration in having a four-step procedure is to assure that subdivisions develop soundly. Other objectives are as follows:

1. Assist the developer in the sound, environmentally appropriate, and economical development of their property through the examination of the suitability of the property for subdivision development before expenses and improvement costs are incurred.
2. All appropriate county departments, state and federal agencies, administrative and utility agencies aid in the design of proposed subdivisions.
3. Adequate time is allowed for the review of the proposed subdivision.
4. Environmental concerns are adequately and completely addressed
5. Adequate time is allowed at the onset of the process to provide feedback before the proposed subdivision is designed.

311.1. Sketch Plan

The sketch plan is a process by which the applicant engages with Community Development Staff in discussion regarding the goals of the development. Environmental documentation showing existing site conditions will be required. Staff will review the sketch designs. However, limited surveying and engineering are required by applicant. The goal is to achieve a better site plan for the developer and the public that reduces environmental impacts. Developers are encouraged to be innovative with their design and go beyond minimum regulations for safe and orderly growth by advocating sustainable planning and development practices that encourage types and patterns of land development that will preserve and enhance what is best about our community.

A. Number of Copies and Contents

The developer will submit five (5) copies of the sketch plan to Community Development Staff at the pre-application meeting. The sketch plan of the proposed subdivision should contain the following information:

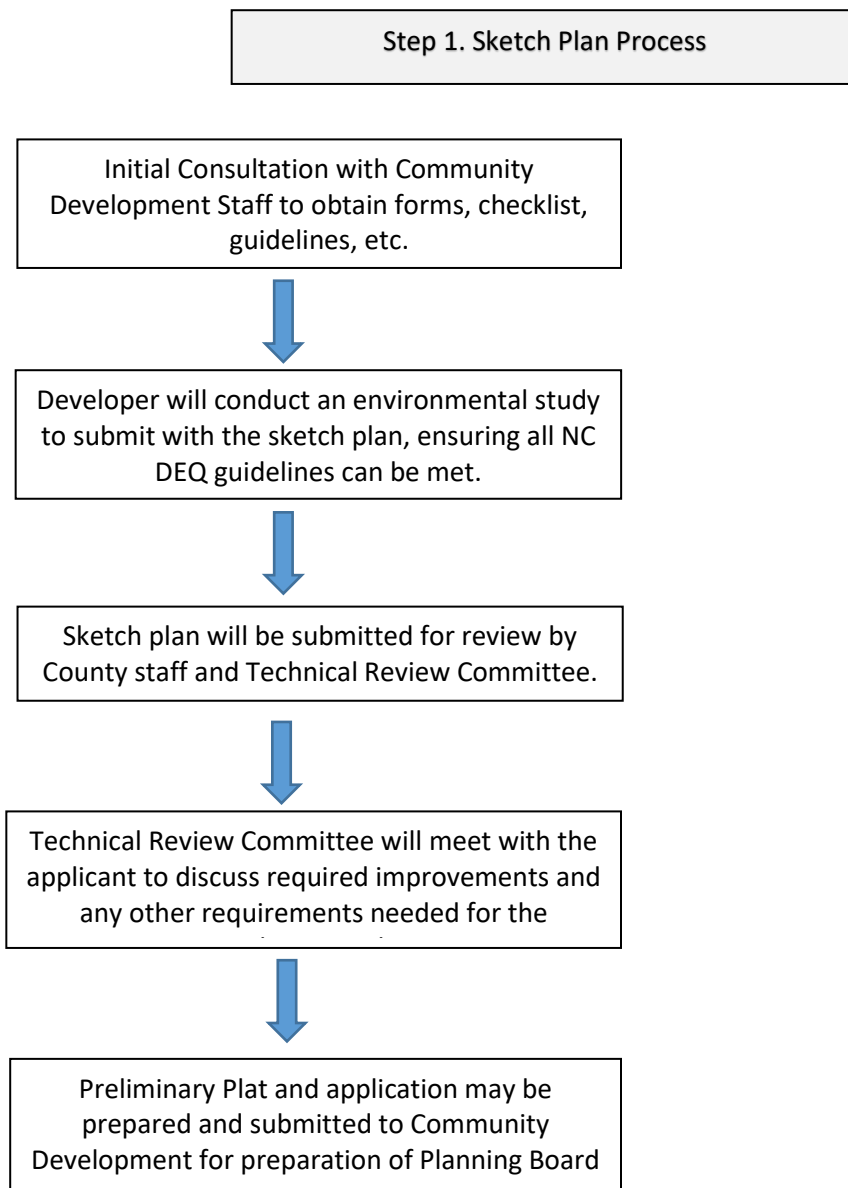
- 1. A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;**
- 2. The boundaries of the tract and the portion of tract to be subdivided;**
- 3. The total acreage to be subdivided;**
- 4. The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;**
- 5. The proposed street layout with approximate pavement and right-of-way width, lot layout and size of lots;**
- 6. The name, address and telephone number of the property owner;**
- 7. The name of the proposed subdivision; and**
- 8. Streets and lots of adjacent developed or platted properties.**

B. Process for Sketch Plan Review

- 1. Pre-application meeting** – This initial consultation with Community Development Staff is to provide information on the subdivision regulations and processes, including required environmental checklists.
- 2. Environmental Documentation Conducted** – Utilizing the guidelines provided by NC Department of Environmental Quality, the applicant will develop an overview of the constraints, if any, on the site that will need to be addressed during the process
- 3. Initial Sketch Plan Review** – The community development staff will review the sketch plan for general compliance with the requirements of the Subdivision and Zoning Ordinances. A copy of the sketch plan will also be sent to each individual member of the Technical Review Committee for comments to help guide the developer in the design of the proposed subdivision.

4. **Technical Review Committee** – The (TRC) will hold a meeting with the applicant to provide comments on any conflict with existing ordinances and advise of any requirements or improvements needed for the preliminary plat. The TRC shall consist of Community Development staff, NC DOT, Fire Marshall, Public Works and any other agency that may be needed to determine required improvements for the proposed subdivision.
5. **Preliminary Plat Preparation** – With feedback from above, the applicant will now prepare the Preliminary Plat for submittal.

Figure 4.



311.2. Preliminary Plat

The Preliminary Plat is the point at which the applicant submits the detailed proposal to the County for review and approval by the Planning Board and Board of Commissioners. Approval of the Preliminary Plat allows the applicant to complete the engineering necessary to receive all required permits and submit the Construction Plan to Community Development.

The applicant will submit the Preliminary Plat along with the application for the subdivision to Community Development at least forty-six (46) days prior to the Planning Board meeting, but no longer than six (6) months from the Environmental Review. Community Development staff can then postpone the request for up to one (1) regular meeting. The application can be continued for one regular meeting prior to the Planning Boards recommendation to approve, deny or approve subject to modifications. Failure of the Planning Board to act on the Preliminary Plat within two (2) meetings will be deemed a favorable recommendation for approval of the plat by the Planning Board.

Boards may call special meetings to accommodate heavy caseloads in order to meet these deadlines.

Preliminary Plats shall be submitted to the Board of Commissioners for consideration at the next available regular meeting after the Planning Board has acted or its time to act has expired. The Board of Commissioners shall review the Preliminary Plat and indicate its approval, disapproval, or approval subject to modifications within sixty (60) days of the official submission date to the Board of Commissioners.

The approval of the Preliminary Plat by the board of Commissioners serves as permission to begin acquiring permits according to the plans and as a basis for preparation of the construction plan.

A. Staff Review of Environmental Documentation

Prior to submittal of the Preliminary Plat to Community Development, the applicant shall gather environmental documentation to be submitted with the application for the subdivision. This documentation will consist of general environmental documentation or and Environmental Impact Assessment. In addition, the applicant is required to submit copies of State, Federal and County reports regarding wetlands, streams, and riparian buffer delineations if natural water resources and riparian buffers are existing on the property.

- i. **General Environmental Documentation**
General Environmental Documentation is required to be submitted for all major subdivisions consisting of 49 or fewer lots. This documentation will be submitted to Community Development fourteen (14) business days prior to the submittal of the subdivision application and Preliminary Plat.
- ii. **Environmental Impact Assessment**
An Environmental Impact Assessment is required to be submitted for all major subdivisions consisting of 50 or more lots. This documentation will be submitted to

Community Development fourteen (14) business days prior to the submittal of the subdivision application and Preliminary Plat.

After review of the required documentation, Community Development will forward the staff recommendation to the applicant. A copy of this documentation and the staff recommendation will be retained in the subdivision file and another will be forwarded to the Planning Board and Board of Commissioners along with the subdivision application and Preliminary Plat.

B. Staff Review of Application

The application along with five (5) the Preliminary Plat should be submitted to Community Development at least forty-six (46) days prior to the Planning Board meeting, but no longer than six (6) months after the Environmental recommendation. Preliminary Plats shall meet the specifications listed in Section 312 of this Ordinance.

1. Community Development shall have fourteen (14) days from the date of submittal to notify the applicant if the application and Preliminary Plat contains detailed supporting information that is sufficient to allow for the review of the proposed subdivision under these regulations
 - i. If staff determines the information is not sufficient for review, the Department shall notify the applicant of the specific information that is required for review.
 - ii. The department shall take no further action on the Preliminary Plat until the applicant submits the required information.
 - iii. Once the applicant corrects the identified deficiencies, the applicant shall resubmit the application and Preliminary Plat to Community Development at least forty-six (46) days prior to the Planning Board meeting and the Department shall have fourteen (14) days to review the information and notify the applicant that the information is sufficient for review.
 - iv. A determination that an application contains sufficient information for review as provided in this subsection does not limit the ability of other county agencies, the Planning Board or Board of Commissioners to request additional information during the review process.
2. The submittal is reviewed by the Technical Review Committee prior to the Planning Board meeting for comments and recommendations from other agencies, including Robeson County Schools.
 - i. Community Development may postpone review of the proposal by the Planning Board for one (1) month prior to notification to the adjacent property owners.
 - ii. The Department shall notify the applicant within ten (10) days of the Technical Review Committee meeting postponement.
 - iii. The Department shall notify the applicant and adjoining property owners of the Planning Board review prior to the scheduled meeting.

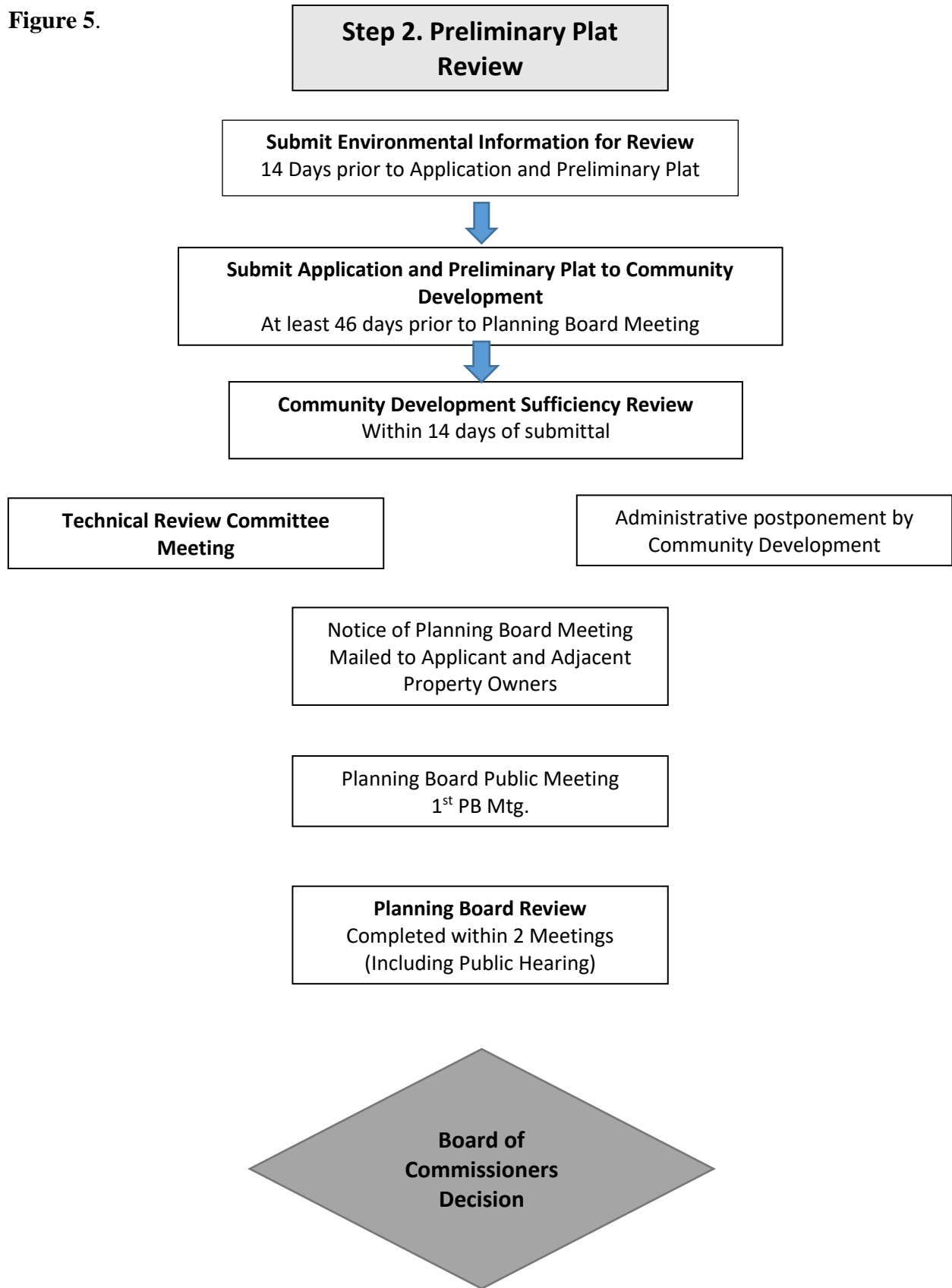
C. Planning Board Review

- i.** The first Planning Board meeting shall include a Public Hearing to receive public comment on the proposed subdivision.
- ii.** Following the public hearing, the Planning Board shall review the proposal, staff recommendation and public comments and indicate their recommendation for approval, disapproval, or approval subject to modifications.
- iii.** If the Board recommends disapproval or approval subject to modifications, the necessary reasons or modifications will be specified in the minutes of the meeting. The Board will retain one (1) copy of the plat for its minutes, return one (1) copy with its recommendations to the applicant and forward the remaining three (3) copies of the plat along with its recommendation to the Board of Commissioners.
- iv.** If the plat is approved subject to modifications the applicant may modify the plat based on the requested modifications and submit three (3) revised copies to Community Development to forward to the Board of Commissioners.
- v.** If the plat is disapproved for reasons that may be corrected, the applicant may revise the plat and submit three (3) copies to Community Development to forward to the Board of Commissioners.
- vi.** The Planning Board will make its recommendation in writing to the Board of Commissioners within thirty (30) days. If the Board does not make a written recommendation within thirty (30) days after its first consideration, the applicant may apply to the Board of Commissioners for approval or disapproval.

D. Board of Commissioners Review

- i.** The Board of Commissioners shall review the proposal and the record, including the staff recommendation, public comments and Planning Board Recommendation.
- ii.** The Board of Commissioners shall have a maximum of sixty (60) days from the official submission date to the Board of Commissioners to approve, approve with modifications, or disapprove the Preliminary Plat. If the Board of Commissioners approves the Preliminary Plat, the approval will be noted on all three (3) copies of the plat. The Board will retain one (1) copy for its minutes, return one (1) copy to the applicant, and forward the remaining plat to Community Development to be placed in the subdivision file. Once the decision is filed, the applicant may begin working on the Construction Plan.
- iii.** If the Board gives approval subject to modifications or disapproves the Preliminary Plat, the necessary reasons or modifications will be specified in the minutes of the meeting. The applicant may modify the plat based on the requested modifications and submit three (3) revised copies to Community Development to forward to the Board of Commissioners for review.
- iv.** If the Board of Commissioners denies the approval of the Preliminary Plat, the applicant must wait six (6) months from the date of denial before resubmitting a new Sketch Plan.

Figure 5.



311.3. Construction Plan

After approval of the Preliminary Plat by the Board of Commissioners, the applicant may proceed with the preparation of the Final plat and the installation of or arrangement for required improvements in accordance with the approved Preliminary Plat and the requirements of this ordinance. Prior to the approval of the Final Plat, all improvements shall be installed or guaranteed their installation as provided herein.

A. Purpose

The construction plan review is required to properly identify that the design standards for all public improvements and the layout of the development set forth in the Preliminary Plat are adhered to. The plan is used to begin construction of improvements.

B. Additional Permits

The approved Preliminary Plat will be used to obtain any additional permits (Local, State and/or Federal) or approval letters that are required to obtain a valid Construction Plan. Approval is done by County Staff unless staff deems there are significant changes from the approved Preliminary Plat. The staff shall approve the Construction Plan or require approval of the Construction Plan by the Board of Commissioners if the following significant changes from the Preliminary Plat are present:

- i. Increase in the number of lots by five percent (5%) or more;
- ii. Increase in the number stream crossings;
- iii. Number of road lanes increases on any segment except where providing for turning, acceleration or deceleration lanes pursuant to recommendation of NCDOT;
- iv. Linear feet of road increases by five percent (5%) or more.

If staff requires review of the Construction Plan by the Board of Commissioners, the Planning Board shall review first and will then forward the recommendation to the Board of Commissioners for approval or disapproval of the changes.

C. Staff Review of Construction Plan

The applicant shall submit the Construction Plan and all required permits to Community Development. The Construction Plan will be reviewed by staff to determine whether the plan is in accordance with the Preliminary Plat. The staff has fourteen (14) days to give an approval or recommendation of review by the Board as listed in subsection (B) above.

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

E. No building, zoning or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this ordinance until all the requirements of this ordinance have been met. The developer, prior to commencing any work within the subdivision, shall follow the procedures for the applicable subdivision classification as provided in this ordinance. The approving authorities having jurisdiction or their

representatives shall inspect and approve all completed work prior to release of the sureties.

311.4. Security for Completion of Improvements

No Final Plat will be accepted for review by the Planning Board or Board of Commissioners unless all improvements are installed or it's accompanied by a written notice by the Finance Director acknowledging compliance with the improvement and guarantee standards in this subsection.

A. Agreement and Security Required

In place of requiring the completion, installation, and dedication of all improvements prior to final plat review and approval, the County may enter into an agreement with the applicant who agrees to complete all required improvements. After the agreement is signed by the applicant and the County and the security required in this ordinance is provided, the final plat may be approved by the Board of Commissioners if all other requirements of this ordinance have been met. To secure this agreement, the applicant shall provide, subject to the approval of the Board of Commissioners, either one or a combination of the following guarantees not exceeding 1.25 times the entire cost as provided.

1. Surety Performance Bond(s)

The applicant shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bond(s) shall be payable to Robeson County and shall be in the amount equal to 1.25 times the entire cost, as estimated by the applicant and approved by the Board of Commissioners, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the Board of Commissioners.

2. Cash or Equivalent Security

The applicant shall deposit cash, or irrevocable letter of credit or other instrument readily convertible into cash at face value, wither with the County or in escrow with a financial institution designated as an official depository of the County. The use of any instrument other than cash shall be subject to the approval of the Board of Commissioners. The amount of deposit shall be equal to 1.25 times the cost, as estimated by the applicant and approved by the Board, of installing all required improvements.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the applicant shall file with the Board of Commissioners an agreement between the financial institution and themselves guaranteeing the following:

- i.** That the escrow account will be held in trust until released by the Board of Commissioners and may not be used or pledged by the applicant in any other matter during the term of the escrow; and

- ii. That in the case of a failure on the part of the applicant to complete the required improvements, the financial institution shall, upon notification of the Board of Commissioners, and submission by the Board to the financial institution of an engineer's estimate of the amount needed to complete the required improvements, immediately either pay the estimated amount to the County to complete the improvements, or deliver to the County any other instruments fully endorsed or otherwise made payable to the County.

B. Default

Failure on the part of the applicant to complete the required improvements in a timely manner as spelled out in the performance bond(s) or escrow agreement, the surety or financial institution holding the escrow account shall, if requested by the Board of Commissioners, pay all or any portion of the bond(s) or escrow fund to the County up to the amount needed to complete the improvements based on an engineering estimate. The Board of Commissioners then, in its discretion, may expend such portion of those funds as it deems necessary to complete all or any portion of the required improvements. The County shall return any funds not spent in completing the improvements to the applicant.

C. Release of Guarantee Security

The Board of Commissioners may release a portion of any security posted as the improvements are completed and recommended for approval by the subdivision administrator. Within thirty (30) days after receiving the subdivision administrator's recommendation, the Board of Commissioners shall act on the recommendation. If the Board approves the completed improvements, the it shall immediately release a portion of the surety posted.

311.5. Final Plat

The approved Final Plat, filed with the Robeson County Register of Deeds Office, is the permanent record of the subdivision as constructed. The Final Plat will show all property lines and other dimensions important for the accurate and legal transfer of property, and records the location of street lines and easements.

Five (5) copies of the final plat shall be submitted for review by the Board of Commissioners and shall meet the following criteria:

Two (2) shall be on reproducible material, three (3) shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the Manual of Practice for Land Surveying in North Carolina and the requirements of the Robeson County Register of Deeds Office. The final plat shall be of a size suitable for recording with the Register of Deeds Office and shall be at a scale of not less than one (1) inch equals two hundred (200) feet.

A. Staff Review

The applicant shall submit the Final Plat, so marked, to Community Development no less than twenty-one (21) days prior to the Planning Board meeting at which it will be reviewed. Final Plats must meet the specifications listed in Section 312. of this Ordinance. The submittal is reviewed for compliance with all requirements of this ordinance and any recommendations

previously given by any agency or Board for said subdivision. Staff will forward the submittal to the Planning Board for review and will notify the applicant and adjoining property owners.

B. Planning Board Review

- i.** The Planning Board shall review the Final Plat at or before it's next regularly scheduled meeting which follows at least twenty-one (21) days after it is received by Community Development and shall forward its recommendation for approval, disapproval, or approval subject to modifications with reasons within thirty (30) days to the Board of Commissioners.
- ii.** During its review, the Planning Board may appoint a Registered Land Surveyor to confirm the accuracy of the Final Plat. If substantial errors are found, the costs shall be charged to the applicant and the plat shall not be recommended for approval until such errors have been corrected.
- iii.** If the Planning Board recommends approval of the Final Plat, they shall submit all copies of the plat and its written recommendations to the Board of Commissioners.
- iv.** If the Board recommends disapproval or approval subject to modifications, the necessary reasons or modifications will be specified in the minutes of the meeting. The Board will retain one (1) copy of the plat for its minutes, return one (1) copy with its recommendations to the applicant and forward the remaining three (3) copies of the plat along with its recommendation to the Board of Commissioners.
- v.** If the plat is approved subject to modifications the applicant may modify the plat based on the requested modifications and submit three (3) revised copies to Community Development to forward to the Board of Commissioners.
- vi.** If the plat is disapproved for reasons that may be corrected, the applicant may revise the plat and submit three (3) copies to Community Development to forward to the Board of Commissioners.
- vii.** The Planning Board will make its recommendation in writing to the Board of Commissioners within thirty (30) days of its consideration. If the Board does not make a written recommendation within thirty (30) days after its first consideration, the applicant may apply to the Board of Commissioners for approval or disapproval.

C. Board of Commissioners Review

- i.** The Board of Commissioners shall have a maximum of thirty (30) days from the official submission date to the Board of Commissioners to approve, approve with modifications, or disapprove the Final Plat.
- ii.** If the Final Plat is approved by the Board of Commissioners, the original tracing and one (1) print of the plat shall be retained by the applicant. One (1) reproducible tracing and one (1) print shall be filed with the County Clerk, and one (1) print shall be returned to the Community Development for its records.
- iii.** The applicant shall file the approved Final Plat with the Register of Deeds Office within thirty (30) days of the Board of Commissioners approval; otherwise, the approval shall be null and void.
- iv.** If the final plat is disapproved by the Board of County Commissioners, the reasons for such disapproval shall be stated in writing, specifying the provisions of this ordinance with which the final plat does not comply. One (1) copy of such reasons and one (1) print of the plat shall be retained by the Board of Commissioners as part of its

proceedings; One (1) copy of the reasons and three (3) copies of the plat shall be transmitted to the developer.

- v. If the final plat is disapproved, the developer may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Planning Board and the Board of Commissioners or by the Board of Commissioners as determined by the Board of Commissioners.

The applicable certificates to be placed on the final plat as it correlates to the approval or disapproval to a plat can be found in Section 312.2.

Section 312. Specifications for Documents Submitted

312.1 Information to be Contained in or Depicted on Preliminary and Final Plats

The Preliminary and Final Plats shall depict or contain the information indicated in the following table.

Information	Preliminary Plat	Final Plat
❖ Title Block Containing the following:		
➤ Property Designation	✓	✓
➤ Name of Owner	✓	✓
➤ Location including Township, County, State	✓	✓
➤ Date(s) survey was conducted and plat prepared	✓	✓
➤ A scale drawing in feet per inch listed in words or figures	✓	✓
➤ A bar graph	✓	✓
➤ Name, address, registration number and seal of the Registered Land Surveyor	✓	✓
❖ Name of the Developer	✓	✓
❖ A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area	✓	✓
❖ Corporate limits, township boundaries, county lines in on the tract being subdivided.	✓	✓
❖ The registration numbers and seals of the professional engineers	✓	✓
❖ Date of plat preparation	✓	✓
❖ North Arrow and orientation	✓	✓
❖ The boundary lines of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and lines of adjoining.	✓	✓
❖ The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands.	✓	✓

❖ The names of owners of adjoining properties	✓	✓
❖ The names of any adjoining subdivisions of record or proposed and under review.	✓	✓
❖ Minimum building setback lines	✓	✓
❖ The zoning classifications of the tract(s) to be subdivided and adjoining properties.	✓	✓
❖ Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and immediately adjoining land	✓	✓
❖ Proposed lot lines, lot block numbers, and approximate dimensions	✓	✓
❖ The lots numbered consecutively throughout the subdivision	✓	✓
❖ Wooded areas, marshes, swamps, rock out crops, ponds or lakes, streams or streambeds and any other natural features affecting the site.	✓	✓
❖ The exact location of any flood hazard area, floodway and floodway fringe areas from the community's FEMA maps or FRIS	✓	✓
❖ The following data concerning streets:		
➤ Proposed Streets	✓	✓
➤ Existing and platted streets on adjoining properties and in the proposed subdivision	✓	✓
➤ Rights-of-way, location and dimension	✓	✓
➤ Pavement widths	✓	✓
➤ Approximate grades	✓	✓
➤ Design engineering data for all corners and curves	✓	✓
➤ Typical street cross sections	✓	✓
➤ Street Names	✓	✓
➤ Street Maintenance agreement in accordance with ----- -----	✓	✓
❖ Type of street dedication whether public or private	✓	✓
❖ Where streets are dedicated to the public, but not accepted into the County or State system prior to sale of the lots, a statement explaining the status of the street in accordance with 405.2 of this ordinance.		✓
❖ The location and dimensions of the following:	✓	✓
➤ Utility and other easements	✓	✓
➤ Riding trails	✓	✓
➤ Natural Buffers	✓	✓
➤ Pedestrian or Bicycle Paths	✓	✓
➤ Parks and Recreation Areas with specific type indicated	✓	✓
➤ School sites	✓	✓
➤ Areas to be dedicated to or reserved for public use	✓	✓

➤ Areas to be used for purposes other than residential and the proposed use of each stated	✓	✓
❖ The plans for utility layouts illustrating connections to existing systems showing line sizes, location of fire hydrants, blowoffs, manholes, force mains and gate valves, including the following:		
➤ Sanitary sewers	✓	✓
➤ Storm sewers	✓	✓
➤ Other drainage facilities, if any	✓	✓
➤ Water distribution lines	✓	✓
➤ Natural Gas lines	✓	✓
➤ Telephone lines	✓	✓
➤ Electric lines	✓	✓
❖ Plans for individual water supply and sewage disposal systems	✓	✓
❖ Site calculations including the following:		
➤ Acreage in total tract to be subdivided	✓	
➤ Acreage in parks and recreation areas and other non-residential uses	✓	
➤ Total number of parcels created	✓	
➤ Acreage in the smallest lot in the subdivision	✓	
➤ Linear feet in streets	✓	
❖ The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the US Department of Interior's National Register of Historic Places	✓	✓
❖ Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line including dimensions, bearings or deflection angles, radii, central angles, and tangent distance for the center line of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest minute.		✓
❖ The accurate locations and descriptions of all monuments, markers and control points		✓
❖ All certificates as required in 312.2		✓
❖ Any other information considered by either the developer, Planning Board, or Board of Commissioners to be pertinent to the review of the plat	✓	✓

312.2 Plat Certification Requirements

A. Certificate of Ownership and Dedication

I/We hereby certify that I/We are the owner(s) of the property shown and described hereon and the I/We hereby adopt this plan of subdivision with my/our own free consent, and dedicate all rights-of-way, streets, alleys, walks, easements, parks, and other open spaces to public or private use as noted.

Owner

Owner

Date

Date

B. Certificate of Survey and Accuracy

Either of the following general forms may be used depending on the circumstances:

- i. I, _____, certify that this map was drawn by me (under my supervision) from an actual survey made by me (an actual survey made under my supervision) on _____ and is in all respects correct according to the best of my knowledge and belief.

Witness my hand and Seal this _____ day of _____, 20____.

Registered Surveyor

Registration Number

Sworn to and subscribed before me this _____ day of _____, 20____.

Signature of Officer

- ii. I, _____, certify that to the best of my knowledge and belief (the surveyor who plotted this map is deceased)(the land has been sold and conveyed according to an unrecorded plat) and this map is in all respects correct having been actually and fully checked and verified by me on _____.

Witness my hand and Seal this _____ day of _____, 20____.

Registered Surveyor

Registration Number

Sworn and subscribed before me this _____ day of _____, 20____.

Signature of Officer

C. Certificate of Approval of the Design and Installation of Improvements

I hereby certify that all streets, utilities and other required improvements have been installed in an acceptable manner and according to County specifications and standards in the _____ Subdivision or that guarantees in an amount and manner satisfactory to Robeson County has been received and that the filing fee for this plat in the amount of _____ has been paid.

Robeson County Subdivision Administrator

D. Certificate of Approval for Recording (FINAL PLAT)

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulation of Robeson County, with the exception of such variances, if any, as noted in the minutes of the Board of Commissioners, and that this plat has been approved by the Board of County Commissioners for recording in the Office of the Register of Deeds of Robeson County.

Chairman of Board of Commissioners

Date

E. Statement for Combination or Recombination of Lots

- i. This plat is a combination or recombination of portions of a previously recorded plat, recorded in Map Book ____ Page _____ of the Robeson County Register of Deeds. The total number of lots do not increase as a result of this combination or recombination plat and the lots on this plat are equal to or exceed the standards of the Current Robeson County Subdivision Ordinance. This Combination or recombination does not change or alter the location of any public or private road as shown on the plat previously recorded in Map Book _____ at Page _____.
- ii. This exemption is claimed pursuant to Section 308(D)(1) and does not require the approval of the Robeson County Planning Board.

F. Statement by Owner for Exempt Subdivisions

- i. I/We hereby certify that I/We are the owner(s) of the property shown and described hereon and that said property is exempt from the Subdivision Regulations of Robeson County.

Owner

Owner

Date

- ii. Certification of Exemption from Subdivision Administrator or Agent**
I hereby certify that the property shown and described hereon is exempt from the subdivision regulations of Robeson County pursuant to Section 308(D)_____.

**Subdivision Administrator or Authorized
Representative**

Date

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ARTICLE IV

REQUIRED IMPROVEMENTS, DEDICATION, RESERVATION, MINIMUM STANDARDS OF DESIGN

Section 401. General

Each subdivision shall contain the improvements specified in this article, which shall be installed in accordance with the requirements of this ordinance and paid for by the developer, unless other means of financing is specifically stated in this ordinance. Land shall be dedicated and reserved in each subdivision shall adhere to the minimum standards of design established by this article.

Section 402. Suitability of Land

402.1 Land which has been determined by the Board of County Commissioners on the basis of engineering or other expert surveys to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed subdivision shall not be platted for that purpose, unless and until the developer has taken the necessary measures to correct said conditions and to eliminate said dangers.

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

402.3 Lands which are determined to be located within a Floodway or are subject to flooding or increase the danger to life or property if developed, and land uninhabitable for other reasons shall follow the guidelines and requirements in the Robeson County Flood Damage Prevention Ordinance including the following:

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

Section 403. Name Duplication

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

Section 404. Subdivision Design

404.1 Blocks

Land layout shall be designed with due consideration given to traffic circulation and contemplated use. Blocks should be designed as follows:

- A. The lengths, widths, and shapes of blocks shall be determined with due regard to the provision of adequate building sites suitable, special needs of the types of use contemplated, all zoning requirements, the needs of vehicular and pedestrian circulation as well as control and safety of street traffic, limitations and opportunities or topography, and convenient access to water areas.
- B. Blocks shall not be less than 500 feet or more than 1800 feet.
- C. Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single tier lots are required to separate residential development from through vehicular traffic or another type of use, in nonresidential subdivisions, or where abutting a water area.
- D. Where deemed necessary by the Board of County Commissioners, a pedestrian crosswalk at least fifteen (15) feet in width may be required to provide convenient public access to a public area such as a park or school, to a water area, or to areas such as shopping centers, religious or transportation facilities.
- E. Block numbers shall conform to the County street numbering system, if applicable.

404.2 Lots

- A. For Major Subdivisions, all lots in the subdivision shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning ordinance.
- B. For Minor Subdivisions who's lots do not front the state-maintained highway, the minimum lot size shall be one and one-half (1.5) acres, more or less, with a minimum road frontage of one hundred ten (110) feet and are required to meet all other dimensional requirements of the zoning ordinance. Lots who front the state-maintained highway may meet minimum size requirements of the Robeson County Zoning Ordinance.
- C. Lots shall meet any applicable requirements of the Robeson County Health Department, Environmental Health Division.
- D. Double frontage lots shall be avoided wherever possible.
- E. Side lot lines shall be substantially at right angles or radial to street lines.

404.3 Easements

Easements shall be provided as follows:

A. Utility Easements

Easements for underground or above ground utilities shall be provided, where necessary, across lots or centered on rear or side lot lines and shall be at least 10 feet wide for water and sanitary sewer lines and as required by the companies involved, for telephone, gas, and power lines.

B. Drainage Easements

Where a drainageway, watercourse, or stream traverses or borders a subdivision, it shall be shown on the preliminary plat and shall be designated a drainage easement. The easement shall conform with the lines of the watercourse and at a width adequate to accommodate the flow of stormwater.

Ditches or drainageways in subdivisions shall be sloped so as not to create dangerous conditions within the development.

- i. Presentation on Plans and Plats** – Watercourse boundaries as drawn on preliminary and final plats are to be interpreted as approximations of actual boundaries. For example, a twenty (20) foot watercourse shall be deemed to extend approximately ten (10) feet on each side of the center of water flow unless otherwise specified.
- ii. New and Relocated Watercourses** – Where a developer proposes to create a new watercourse in order to relocate an existing watercourse or to handle road runoff, a drainage easement along the proposed new watercourse shall be indicated on the preliminary and final plats. Any channels, diversions, or other improvements needed to carry water to or along this new course shall be constructed or guaranteed prior to final plat approval.

Section 405. Storm Water Drainage System

The developer shall provide a surface water drainage system subject to review by the County Consulting Engineer.

- A.** No surface water shall be channeled or directed into a sanitary sewer.
- B.** Where feasible, the developer shall connect to an existing storm drainage system.
- C.** Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
- D.** Surface drainage courses shall have side sloped of at least three (3) feet of horizontal distance for each one (1) foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding, and designed to comply with the standards and specifications for erosion control of the North Carolina Sedimentation Pollution Control Act, G. S. 143-34.12, Chapter 113A, Article 4 and the N.C. Administrative Code Title 15, Chapter 4, and any locally adopted erosion and sedimentation control ordinances.
- E.** The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each two hundred (200) feet of horizontal distance.

- F.** Streambanks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity in accordance with the North Carolina sedimentation pollution Control Act, G.S. 143-34.12, Chapter 113A, Article 4 and the North Carolina Administrative Code Title 1, Chapter 4.
- G.** Anyone constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety law of 1967 and the North Carolina Administrative Code Title 15, Subchapter Z K.
- H.** In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

Section 406. Public Streets

406.1. Types of Streets

All Major Subdivision lots shall abut on a public street. All public streets shall be built to the standards of this ordinance and all other applicable standards of the county and the North Carolina Department of Transportation. Public streets which are eligible for acceptance into the State Highway System shall be constructed to the standards necessary to be put on the State Highway System or the standards in this ordinance, whichever is stricter in regard to each particular item, and shall be put on such system. Streets which are not eligible to be put on the State Highway System because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be in accordance with the standards in this ordinance or the standards necessary to be put on the State Highway System, whichever is stricter in regard to each particular item, so as to be eligible to be put on the system at a later date. A written maintenance agreement with provisions for maintenance of the street until it is put on the State system shall be included with the final plat.

406.2. Subdivision Street Disclosure Statement

All public streets shown on the final plat shall be designated in accordance with G. S. 136-102.6 and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into the State system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.

406.3. Half – Streets

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

406.4. Marginal Access Streets

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

406.5. Non-residential Streets

The developer of a nonresidential subdivision shall provide streets in accordance with F-4 of the North Carolina Roads, Minimum Construction Standards, July 1, 1979; and the standards in this ordinance, whichever are stricter in regard to each particular item.

406.6. Design Standards

The design of all public streets and roads within the jurisdiction of this ordinance shall be in accordance with the excepted policies of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals. The N.C. Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction Standards, July 1, 1979, shall apply for any items not included in this ordinance, or where stricter than this ordinance.

Section 407. Private Roads

Private roads may be allowed in Minor Subdivisions in which a tract of land is divided into no more than five (5) lots or the proposed private road is to service an exempt subdivision, provided the following are met:

- A.** The subdivision does not embrace or abut any part of a proposed thoroughfare or street shown on Robeson County's thoroughfare plan;
- B.** Pursuant N.C.G.S 136-102.6, a private road disclosure statement shall be recorded with each and ever subsequent transfer of land in subdivisions with private roads. A sample Private Road Disclosure Statement can be provided by Robeson County Community Development upon request.
- C.** A certificate for Private Roads shall be included on the final plat and shall disclose the status of the road and road maintenance responsibilities;
- D.** Private roads shall be constructed in accordance with Appendix A.
- E.** Private roads shall be connected to existing public streets or streets under public maintenance;

407.1. Classes of Private Roads

The standard and specifications for private roads depends on the subdivision classification. The class of road to be built is as follows:

- A. Class I Road** – Any subdivision classified as Minor Subdivision or any subdivision determined to be Exempt shall be required to construct and maintain a Class I Road in order to provide adequate access, especially for emergency vehicles.

- i. Exempt subdivisions shall not be required to gravel the road until the third lot from the parent tract of land is divided and must be paved after the fifth lot is divided from the parent tract.

407.2 Access and Maintenance

The guarantees of right-of-access and maintenance of any private road in the subdivision shall run with the land.

407.3 Statement of Compliance

The Subdivision Administrator or their designee must receive a statement of compliance with the standards established for private roads in this Ordinance from an engineer registered in North Carolina. Certification is required prior to final plat approval.

407.4 Nonconforming Private Roads

In order to be considered a nonconforming private road, the road must meet the following:

- A. A private road established prior to the adoption of the Robeson County Subdivision Ordinance;
- B. Be identifiable as an existing road on the 2017 Aerial Photography of Robeson County or be identifiable on the Robeson County Tax Maps as an existing road prior to 2018. A recorded deed description, recorded plat or other dated photography which clearly indicates that the road was in existence may also be considered.
- C. The private road must be in a current condition as to provide year-round access.
- D. The private road disclosure statement shall be recorded.
- E. All other provisions of this Ordinance are complied with.

Subdivisions accessed by nonconforming private roads shall be approved only when the minimum lot size and dimension requirements for the applicable subdivision classification are met.

Section 408. Utilities

408.1. Water and Sanitary Sewer Systems

Each lot in all subdivisions within the county's jurisdiction shall be provided with an extension of the county (water) and/or (sanitary sewer) systems at the developer's expense if available to the developer. A subdivision lot in the county's jurisdiction may be provided with extensions to a municipal system in lieu of the county system. All lots in subdivision not connected to municipal or county water and/or sanitary sewer systems must have a suitable source of water supply and sanitary sewage disposal, which complies with the regulations of Robeson County Health Department or other appropriate regulatory agency.

Section 409. Placement of Monuments

Unless otherwise specified by this ordinance, the Manual of Practice for Land Surveying as adopted by the N.C. State Board of Registration for Professional Engineers and Land Surveyors,

under the provisions of Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), shall apply when conducting surveys for subdivisions to determine the following:

- A. The accuracy for surveys and placement of monuments, control corners, markers, and property corner ties.
- B. To determine the location, design, and material of monuments, markers, control corners, and property corner ties; and
- C. To determine other standards and procedures governing the practice of land surveying for subdivisions.

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ARTICLE V

DEFINITIONS

501. Meaning of Words Generally

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

502. Meaning of Common Words

- i. All words used in present tense, include future tense
- ii. All words in the plural include the singular, and all words used in the singular include the plural unless the natural construction of the wording indicated otherwise.
- iii. The word “shall” is mandatory and the word “may” is permissive.
- iv. The word “building” includes the “structure and any part thereof”
- v. The word “lot” includes the words “plot” “tract” and “parcel”
- vi. The word “person” includes a firm, association, corporation, trust, company and individual.
- vii. The words “used for” includes the meaning “designed for”

503. Meaning of Specific Words and Terms

Adjacent – Having a common border such as a lot line or street right-of-way

Applicant – The owner(s) of land proposed to be subdivided or their representative(s). Consent shall be required from the legal owner of the parcel to be subdivided at time of application of the preliminary plat.

Block – A tract of land bounded on one or more sides by streets or roads.

Bond – Any form of security, including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and for satisfactory to the Board of Commissioners.

Building – Any structure having a roof supported by walls or columns constructed or used for residence, business, industry or other public or private uses.

Building Setback Line – A line in the interior of a lot which is generally parallel to, and a specified distance from, the street right-of-way lone or other lines; which creates a space between such lines in which no building shall be placed.

Collateral Heir – Relatives who are not direct decedents of a deceased person, but would inherit from the deceased if no direct decedents existed. (i.e. Siblings, Nieces, Nephews etc.)

Community Water Supply – A public water supply that serves a community that is not an incorporated municipality. This includes unincorporated communities, subdivisions and/or mobile home parks have ten (10) or more connections.

Construction Plan – This map is similar to the Preliminary Plat, but will be more refined and detailed in certain cases where outside agency permits required changes. This plan will be submitted with outside agency permits issued.

County – Robeson County, North Carolina or the Governing Body of Robeson County.

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

Cul-de-sac – A street with only one end open to traffic and the other end being permanently terminated and a vehicular turn-around provided for the safe and convenient reversal of traffic movement. Length is measured from the center point of the turn-around to the center line of the connecting non-cul-de-sac street.

Dedication – The object or act of an owner offering property or property rights to the public. Since a transfer of property rights is involved, dedications must be made by written recordable instruments.

Developer - Any person, firm, trust, partnership, association, or corporation engaged in the subdivision of land.

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

Easement – The right to use property for limited and specifically named purpose(s), granted by the property owner; the owner generally continues to make use of such land since only certain, not all, ownership rights have been given up.

Enforcement Officer – The subdivision administrator and persons appointed by the Board of Commissioners to enforce the provisions of this ordinance.

Environmental Impact Statement – A document that must be prepared pursuant to the National Environmental Policy Act of 1969, or the NC Environmental Policy Act of 1971, regarding proposed federal or certain State actions respectively that significantly affect the quality of human environment.

Exempt Subdivision – Certain kinds of land division not regulated by this ordinance

Final Plat – The map or plan of record of a subdivision and any accompanying material, as described in these regulations.

Flood Hazard Area – The minimum area of the flood plain that, on average, is likely to be flooded once every 100 years (i.e. that has a one percent chance of being flooded each year) as identified on the most current Flood Insurance Rate Map for the unincorporated areas of Robeson County, North Carolina, as referenced in the Robeson County Flood Damage Prevention Ordinance.

Grade – The slope of a road, street, or other public way, specified in percentage (5) terms.

Green Space – Natural undeveloped areas such as pastures, farmland, forests, wetlands, and lakes. Green space may also include landscaped perimeters and green landscape reserves along thoroughfares.

Health Department – The agency designated to administer local health regulations. Robeson County Health Department.

Heir – Any person entitled to take real or personal property upon the death of persons without will (intestate) under the provisions N.C.G.S 29.

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

Lineal Heir – An individual who inherits in a line that ascends or descends from a common ancestor. The heir can be above or below the decedent in the direct line of descent. (i.e. Grandparent, Parent, Children, Grandchildren etc.)

Lot – A tract, plot, parcel or plat of land intended as a unit for the transfer of ownership, or for development, or both.

Lot Area – The total horizontal area included within the lot lines.

Lot improvement – Physical changes made to raw land and structures on or under the land surface in order to make the land more useable for human activities. Typical improvements in these regulations would include, but not limited to grading, street pavement, drainage ditches, and street name signs. Certain lot improvements shall be properly bonded as provided in these regulations.

Major Collector – See Rural Road

Major Subdivision – All subdivisions not classified as minor subdivisions, consisting of six (6) lots, or any size subdivision requiring any new street, or extension, or the creation of any public improvements.

Major Utility – All utility facilities other than minor utilities. Includes public utilities serving regional areas and public utility service and storage yards. Examples include, but are not limited to, electrical substations and wastewater treatment plants. This definition excludes public utility transmission lines.

Minor Arterial – See Rural Road

Minor Collector – See Rural Road

Minor Subdivision – Any subdivision not classified as a major subdivision, consisting of one (1) but not more than five (5) lots, not involving a new street or road or the extension or the creation of any public improvements.

Minor Utility – Any above ground structures or facilities owned by a governmental entity, a non-profit organization or corporation used in connection with the transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Minor utilities are necessary to support development within the immediate vicinity and involve only minor structures. Examples include, but are not limited to, pump stations, community well houses and above ground utility cabinets. Excepted from this definition are Major Utilities.

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

Official Submission Date – The date of the meeting at which a plat is deliberated for approval.

Off-site – Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant requesting subdivision plat approval.

Official Maps or Plans – Any maps or plans officially adopted by the Board of Commissioners as a guide to the development of Robeson County. The Zoning Map and Thoroughfare Plan are examples of an official map and plan, respectively.

Open Space – A restricted reservation of land located within a development with limited low-impacted amenities. Amenities may be passive or active. A few examples include but are not limited to: green space both natural and landscaped, detention areas, trails, lakes, pavilions, benches, outdoor cooking facilities, and active recreational facilities such as ball and soccer fields, playgrounds, and the like.

Owner – Any person, group of persons, firm or firms, corporation(s) or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under the regulations.

Private Road – An uneducated private right-of-way which affords access to abutting properties according to the standards of this ordinance and requires a subdivision road disclosure statement in accordance with the North Carolina General Statutes.

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

Public Street - A dedicated public right-of-way which affords access to abutting property and meets the standards of this ordinance and the most recent North Carolina Department of Transportation minimum construction standards for subdivision roads.

Public Water - A system to provide or furnish water to the public which shall be owned and operated by a county, municipal government, or service district.

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

Register of Deeds - Robeson County Register of Deeds.

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

Residential Subdivision - A subdivision whose intended use is single- or multi-family residential or duplex development.

Right-of-way - A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land plating purposes shall mean that every right-of-way hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-ways intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the owner of the property on which such right-of-way is established.

Riparian Buffers – A natural or vegetated area that provides protective distance between a stream, perennial water body or wetland and an adjacent land area. The riparian buffer shall be measured horizontally on a line perpendicular from the top of bank 17 or from the normal pool elevation of a perennial water body or wetland. The required riparian buffer distances are specified in the Robeson County Watershed Protection Ordinance.

Road Right-of-way Width - The distance between property lines measured at right angles to the centerline of the street.

Rural Road - For purposes of this ordinance the following classification of rural roads apply:

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

Minor Arterial: A rural link in a network joining cities and larger towns and providing intrastate and inter-county service at relatively high (55mph) overall travel speeds with

minimum interference to through movement. The network would primarily serve through traffic.

Major Collector: A road which serves major inter-county travel corridors and traffic generators and provides access to the arterial system.

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

Local Road: A road which primarily provides access to adjacent land and for travel over relatively short distances.

Setback - The distance between a building and the street line or property line nearest thereto.

Staff - Robeson County employees.

Street Line - The legal line between street right-of-way and abutting property.

Street Sign - The sign designating the official name and/or number of the street.

Stub Street (Stub Out) - A street with one end open to traffic and one end temporarily closed, with a temporary turn around for the safe and convenient reversal of traffic movement. The end that is temporarily closed shall have access reserved on site for future extension.

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

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

Subdivision - All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions are created for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, those instances listed under SECTION 308(C), Exempt Subdivisions are not subject to these regulations pursuant to this document.

Subdivision Agent - Any person who represents, or acts for or on behalf of a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

Subdivision Plat - The final map or drawing, described in these regulations, on which the subdivision may be submitted to the Register of Deeds for recording.

Surveyor – A qualified land surveyor registered and currently licensed to practice surveying in the State of North Carolina.

Technical Review Committee – A committee composed of staff from various departments in Chatham County government and representatives of other local, state and federal agencies. Representatives of other outside agencies or groups may be included as well.

Temporary Improvement – Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of any performance bond.

Unit or Dwelling Unit – A building or portion thereof designed, arranged or used for living quarters for one family.

Unobstructed – Free of obstacles that delay, impede or hinder passage and/or access. An unobstructed roadway allows the two-way movement of vehicles, free of on-street vehicular parking and other obstacles.

Zoning Ordinance – The Robeson County Zoning Ordinance.

Appendix A

STANDARDS FOR PRIVATE ROADS

Private roads shall be constructed in such a manner so as to not be a threat to the health, safety or welfare of the residents using the road. All standards are minimum. The certifying engineer may require higher standards based on site conditions and accepted engineering and construction practices.

Specific Provisions for Private Roads:

A. Minimum Road Standards for Class I Private Road

Improvement Type	Distance
Minimum Width of Road	50'
Minimum Travel way Width	10'
Travel way Material Compacted Gravel (minimum)	4"
Minimum Shoulder	8'
Ditch (typical)	2'
Utilities (typical)	4'
Outside ditch to ditch	42'
Maximum Cut or Fill Slope	2:1
Design Speed	20 MPH
Minimum Sight Distances, Curves	110'
Minimum Centerline Radius	90'
Maximum Grade	12%
Minimum Cul-de-sac Radius	50'
Intersection Angle, Minimum Degrees	75'

B. Drainage

All pipe culverts and storm sewers shall be constructed in such a manner as to alleviate accumulation of debris and silt buildup and shall be structurally and hydraulically sound and functioning in a normal manner. All drainage ditches shall be of sufficient width, depth and slope as to carry the anticipated discharges. All private roads shall have adequate drainage. The grade of the side ditches should be such that the water is carried rapidly to a stable outlet.

C. Stabilization of Shoulders

Erosion prevention on shoulders shall be undertaken by using the methods of seeding, sodding, or mulching. On cut and fill slopes run-off shall be prevented on the slopes

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