

Scotland County, North Carolina
SUBDIVISION REGULATIONS

**Subdivision Ordinance Adopted for
Scotland County, North Carolina, September 4, 1973;
Incorporating all amendments through January 26, 2002**

Department of Planning and Zoning

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SECTION 1.0 INTRODUCTION

1.1 Authority

This Ordinance is adopted under the authority granted by Chapter 153A, Article 18, Part 2, of the North Carolina General Statutes and amendments thereto; and pursuant to this authority, the County Commissioners of the County of Scotland, North Carolina do ordain as follows:

1.2 Title

This Ordinance shall be known as, referred to, or cited as the "SUBDIVISION REGULATIONS, SCOTLAND COUNTY, NORTH CAROLINA."

1.3 Purpose

The purpose of this ordinance is to regulate and control the division of land within the unincorporated areas of Scotland County as herein specified in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the County.

1.4 Intent

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

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

Lessen Congestion in the streets and highways;

Provide Adequate Light and Air;

Prevent the Overcrowding of Land;

Facilitate Adequate Provision for Housing, transportation, water, sewerage, and other public facilities or requirements;

Further the Orderly layout and appropriate use of the land;

Secure Safety from fire, flooding, water pollution, disease and other hazards;

Prevent Flood Damage to persons and properties and minimize expenditures for flood relief and flood control projects;

Prevent and Control Erosion, Sedimentation, and other pollution of surface and subsurface waters;

Preserve Natural Vegetation and cover and promote the natural beauty of the county;

Restrict building sites on floodlands, area covered by poor soils, or in other areas poorly suited for development.

Facilitate the Further Division of large tracts into smaller parcels of land;

Provide Penalties for its violations; and implement those county, regional or other comprehensive plans and their components adopted by the County.

1.5 Abrogation and Greater Restriction

It is not intended by this ordinance to repeal, abrogate, 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.

1.6 Interpretation

In their interpretation and application, the provisions of this Ordinance shall not be deemed a limitation or repeal of any other power granted by the North Carolina General Statutes.

1.7 Severability

If for any reason any one or more sections, clauses or parts of this ordinance are held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this ordinance, but shall be confined in its operation to the specific sections, sentences, clauses, or parts of this ordinance held invalid and the invalidity of any section, sentence, clauses, or parts of this ordinance in any one or more instances shall not affect or prejudice in any way the validity of this ordinance in any other instance.

1.8 Repeal

All other Ordinances or parts of Ordinances of the County inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

1.9 Duty of the County Register of Deeds

The Planning and Zoning Board of Scotland County shall file a copy of this Ordinance with the Register of Deeds of Scotland County. The Register of Deeds shall not thereafter file or record a plat of a subdivision located within the territorial jurisdiction of Scotland County without the approval of the County Planning and Zoning Board and County Board of Commissioners as required on this Ordinance. The landowner shown on a subdivision plat submitted for recording or his authorized agent, shall sign a statement on the plat as to whether or not any land shown thereon is within the jurisdiction of this Ordinance as defined herein. The filing or recording of a plat of a subdivision without the approval of the County Planning and Zoning Board and County Board of Commissioners as required by this ordinance shall be null and void. The Clerk of Superior Court of Scotland County shall not order or direct the recording of a plat where such recording would be in conflict with this section.

1.10 Amendments

The Scotland County Board of Commissioners may from time-to-time amend these regulations pursuant to GS 153A-323, but no amendment shall become effective unless it shall be proposed by or shall have been submitted to the County Planning and Zoning Board shall have forty (40) days within which to submit a report. If the County Planning and Zoning Board fails to submit a report within the specified time, it shall be deemed that the County Planning and Zoning Board has approved the amendment.

1.11 Jurisdiction

Jurisdiction of these regulations shall be include all unincorporated lands and waters within Scotland County lying outside the subdivision – regulation jurisdiction of any municipality, except this ordinance may also regulate territory within the subdivision regulations jurisdiction of any municipality whose governing body by resolution agrees to such regulation (see 153A-320).

1.12 Effective Date

This Ordinance shall be effective from and after September 4, 1973.

SECTION 2.0 GENERAL PROVISIONS

2.1 Subdivision

A "subdivision" shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions, for the purpose, whether immediate or future, of sale or building development, and shall include all divisions of land involving the dedication of a new street or change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations prescribed by this ordinance:

The Combination or Recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown by the regulations prescribed by this ordinance.

The division of Land into parcels greater than five (5) acres where no street right-of-way dedication is involved.

The public Acquisition by purchase of strips of land for widening or opening of streets.

The Division of a Tract in Single Ownership whose entire area is no greater than two 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 county, as shown by the subdivision regulations contained in the Ordinance.

2.2 Dedication and Reservation of Public Lands

Whenever a tract of land to be subdivided embraces all or any part of a proposed playground, park, school site, open space site, street, highway, drainage way, other public way or public access to navigable lakes or streams which has been designated in adopted regional and County comprehensive plans or adopted plan components or on the thoroughfare plan map of Scotland County, said public lands shall be made part of the plat and dedicated or reserved by the subdivider on the locations and dimensions indicated on said plan or map. The subdivider shall reserve such proposed public land for a period not to exceed one (1) year, unless extended by mutual agreement, for acquisition by the public agency having jurisdiction.

2.3 Improvements Guarantees

2.4-1 Agreement and Security Required

In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval the Scotland County Board of Commissioners may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Planning Board, if all other requirements of this ordinance are met. To secure this agreement, the subdivider shall provide, subject to the approval of the County Board, either one, or a combination of the following guarantees not exceeding 1.25 times the entire cost as provided herein:

(1) Surety Performance Bond(s)

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

Scotland and shall be in an amount equal to 1.25 times the entire cost, as estimated by the subdivider and approved by the County 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 County Board Commissioners.

(2) **Cash or Equivalent Security**

The subdivider shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value either with the County or in escrow with a financial institution designated as an official depository of the County. The use of any instrument other than cash shall be subject to the approval of the County Board of Commissioners, of installing all required improvements.

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

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

2.4-2 Default

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

2.4-3 Release of Guarantee Security

The County Board may release a portion of any security posted as the improvements are completed and approved by the Planning Board. When the Planning Board approves said improvements, then the County Board shall immediately release any security posted.

2.4 - 4 Subdivision Fee

Applicable fees for subdivision of property according to the Scotland County Department of Inspections Annual Permit Fee Schedule as amended by the Board of County Commissioners.

2.4 Variances

2.5-1 Hardships. When the County Planning and Zoning Board finds that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, it may approve a variance or exception to the regulation so that substantial justice may be done and the public interest is secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this ordinance and does not conflict with the duly adopted comprehensive plans or components thereof. The County Planning and Zoning Board shall not approve a variance to the regulations of this Ordinance unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to the other property or improvements in the neighborhood in which the property is located;
- (2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property;
- (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- (4) The purpose of the variance is not based exclusively upon a desire to make more money out of the property.

2.5-2 Conditions. When considering a variance, the County Planning and Zoning Board may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this Ordinance.

2.5-3 Procedure for a Variance. A petition for a variance shall be submitted in writing by the subdivider at the time when the Preliminary Plat is submitted for the consideration of the County Planning and Zoning Board. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner. When the applicant has paid a fee for a Preliminary Plat review or Final Plat review, then there shall be no additional fee charged for the requested subdivision regulations variance request. There are no advertising or notification requirements associated with a subdivision regulations variance request.

2.5-4 Approval by the County Planning and Zoning Board. The County Planning and Zoning Board shall review the petition for a variance at the same time it reviews the Preliminary Plat as provided in Section 3.3-3 of this Ordinance. When an applicant can show to the satisfaction of the Planning and Zoning Board that a provision of Section 2.5-1 applies, and in the opinion of the County Planning and Zoning Board a variance may be granted without negating the intent of this Ordinance or County Plan, the County Planning and Zoning Board may approve a variance. Any variance that is approved is required to be entered in the minutes of the County Planning and Zoning Board meeting along with the requisite findings. A note shall also be placed on the recordable plat indicating the departure from the subdivision regulations and date approved.

2.5 Land Suitability

Floodlands. No lot one (1) acre or less in area shall include floodlands. All lots more than one (1) acre shall contain not less than 20,000 square feet of land which is at an elevation at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, five (5) feet above the elevation of the maximum flood record.

Lands Made, Altered, or Filled with non-earth materials shall not be divided into building sites which are to be served by soil absorption waste disposal systems, until the Scotland County Health Department has approved said sites.

All Lots to be served by soil absorption sewage disposal systems and a private individual well, which should be at least 50 feet deep, shall have a minimum of 20,000 square feet.

Land Having Groundwater within four (4) feet of the natural undisturbed surface shall not be divided into building sites to be served by soil absorption sewage disposal systems.

Soils. Soils must pass an analysis in accordance with G.S. Article II, Section 1900 to be served by soil absorption sewage disposal systems, unless meeting the requirements of the Scotland County Health Department.

The County Planning and Zoning Board in applying provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for a proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter, the County Planning and Zoning Board may affirm, modify, or withdraw its determination of unsuitability.

2.6 Violations

Any person, firm or corporation being the owner or agent of any land located within the jurisdiction of this Ordinance who thereafter transfers or sells land by reference to a plat showing a subdivision of land before such plat has been properly approved under this Ordinance and recorded in the office of the Register of Deeds, shall be guilty of a misdemeanor. The description by meter and bounds in the instrument of transferring shall not exempt the transaction from such penalties. The county, through its attorney or other official designated by the Board of County Commissioners, may enjoin such illegal transfer or sale by action for injunction.

2.7 Penalties

Any person, firm or corporation violating any provision of this Ordinance, or who shall violate or fail to comply with any order made there under, shall be punishable by a fine not to exceed (50) dollars or thirty (30) days in jail. Each day such violation shall be permitted to exist constitute a separate offense.

SECTION 3.0 PLAT REVIEW AND APPROVAL PROCEDURE

No plat of a subdivision within the jurisdiction of the Scotland County Planning and Zoning Board shall be accepted for recording by the Register of Deeds until final plat approval has been granted by the Planning and Zoning board or its designee. To obtain Final Plat approval, the subdivider shall: Submit plats involving new streets in accordance with Section 3.1, or Section 3.3, and 3.4. Plats not involving new streets must be submitted in accordance with Section 2.1. For plats not involving a new street, a determination and approval are required indicating the plat complies with one of the exceptions specified by Section 2.1. Plats not involving new streets and not meeting any of the exceptions specified by Section 2.1 may be approved as boundary surveys or as final plats not involving new streets. All plats must comply with all standards and requirements of Scotland County as specified by the section the plat is considered under. All approvals must be indicated with a certification and Planning and Zoning Board or their designee signature on the approved plat.

3.1 Abbreviated Plat Review and Approval Procedure

A person, firm, or corporation owning land adjacent to a state maintained road or highway may apply for subdivision approval by an abbreviated process, as herein provided:

(1) Each proposed lot adjoins a State maintained road or highway and each lot has at least sufficient front footage on said road or highway to meet the requirements of the Scotland County Zoning Ordinance, and in no event shall any lot have less than the required amount of frontage upon a street per Scotland County Zoning Ordinance Section 16.1.

(2) Each lot meets or exceeds the size requirements stated in these regulations as to lots in subdivisions.

(3) Each lot meets all requirements of the Scotland County Health Department and any relevant health requirements in the Scotland County Zoning Ordinance and these regulations.

(4) The owner dedicates at least one public entrance or access area, of at least 60 feet in width, extending to interior property from the State maintained road or highway, for every 1,500 feet of frontage on said road or highway.

(5) The owner dedicates at least one public entrance or access area, of at least 60 feet in width, extending to interior property from the State maintained road or highway, for the first and each increment of 1,500 feet of cumulative frontage on said road or highway. Partial increments shall be considered as a whole for the purposes of requiring access to the interior property. Wherever practicable the distance between such intersections shall not be less than twelve hundred (1,200) feet including measurement from existing intersections.

Any party owning property which meets these standards shall submit to the Administrator of this Ordinance a plat prepared in conformity with Section 3.5 of these regulations. The review shall include letters from the Scotland County Health Department, the District Engineer of the North Carolina Department of Transportation, the Scotland County Soil and Water Conservation District and such other agencies as the County Planning and Zoning Board deems necessary. The Scotland County Planning and Zoning Department shall act as the agency for distribution of plats to review agencies. However, the Scotland County Health Department will continue to have direct contact with applicants seeking plat approval. Each of these letters shall indicate the respective agency has had an opportunity to review the proposed subdivision plat and shall state the agency recommendations for the proposed subdivision. The agency shall respond with comments, if any, within 60 days. The applicant shall respond to the recommendations stating how concerns identified within agency letters will be addressed. The Administrator shall examine said plat, the accompanying letters and all other relevant information submitted to determine that the property meets the requirements for consideration by the abbreviated subdivision process.

The applicant shall submit to the Administrator any information, documents, exhibit or material which he request, in order that he may fully consider all aspects of the proposed subdivision. Until such time as all requested information is received, the Administrator's consideration of application shall not commence.

Those general rules and requirements concerning subdivision layout, improvements and standards stated in these regulations shall apply to this type of subdivision request unless specifically modified herein.

The Administrator shall approve or disapprove a proposed abbreviated subdivision application within ten (10) calendar days of its initial consideration; provided that consideration of said proposal shall begin at such time as all requested information has been furnished to the Administrator. If the Administrator disapproves the application he shall state in writing his reasons for such action. One copy of this statement shall be transmitted to the subdivider within ten (10) days of disapproval; the other copy shall be retained by the County Planning and Zoning Office as a part of its file on the application.

If the Administrator approves said subdivision, such approval shall be indicated on each copy of the plat by sign certificate, which certificate shall be in the nature of and in conformity with that certificate contained in section 3.4-4(3) of these regulations.

The subdivider shall file the approved plat with the Register of Deeds of Scotland County for recording within sixty (60) days after the date of approval by the administrator. The size requirements for said plat shall be as specified in section 3.4-5 of these regulations.

Those fees applicable to regular subdivision applications in Scotland County shall also apply to subdivision plats submitted pursuant hereto.

3.2 Pre-Application

It is recommended that, prior to the filing of an application for the approval of a Preliminary Plat, the subdivider consult with the Administrator of this Ordinance in order to obtain advice and assistance. This consultant is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, the adopted regional or county comprehensive plans or adopted plan components, and duly adopted plan implementation ordinances of the county and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and County, and the subdivider will gain a better understanding of the subsequent required procedures. It is recommended that the subdivider meet with the Scotland County Soil and Water Conservation district staff to obtain practices compatible with soils on the proposed subdivision tract.

3.3 Preliminary Plat

3.3-1 **General.** The subdivider shall submit nine (9) copies of the Preliminary Plat, so marked, to the Administrator not less than fourteen (14) days prior to the County Planning and Zoning Board meeting, at which it is to be considered initially.

3.3-2 Review and Recommendations

The Preliminary Plat shall be reviewed by the County Planning and Zoning Board to determine its conformity to this Ordinance, to all other ordinances and regulations in force that affect subdivisions, and to duly adopted comprehensive plans and components thereof for Scotland County. Copies of the preliminary Plat and any accompanying material shall be transmitted to the Scotland County Health Department, the District Engineer of the North Carolina Department of Transportation, the Scotland County Soil and Water Conservation District and other agencies as the County Planning and Zoning Board deems necessary for its recommendations concerning matters within its jurisdiction. The Agency shall respond with comments, if any, within 60 days. The Scotland County Planning and Zoning Department shall act as the agency for distribution of plats to review agencies. However, the Scotland County Health Department will continue to have direct contact with applicants seeking plat approval. The applicant shall respond to the recommendations stating how concerns identified within agency letters will be addressed.

3.3-3 Action by the County Planning and Zoning Board

(1) The County Planning and Zoning Board shall review and take final action on each Preliminary Plat within forty-five (45) days after first consideration by the County Planning and Zoning Board. First consideration shall be at the next regularly scheduled meeting of the County Planning and Zoning Board after the Plat has been submitted to the Administrator.

- (2) Upon completion of the Preliminary Plat review, the County Planning and Zoning Board shall approve, approve conditionally, or disapprove Plat.
 - a. If the Plat is approved, approval shall be noted on at least two (2) copies of the Plat by the County Planning and Zoning Board Secretary. One copy shall be transmitted to the Administrator who shall retain it for public examination; the second copy shall be returned to the subdivider.
 - b. In the case of conditional approval, the reasons for conditional approval and the conditions to be met shall be specified in writing. One copy of such reasons and conditions shall be filed with the copy of the Plat retained by the County Planning and Zoning Board, and another shall be given to the subdivider. The County Planning and Zoning Board may require the subdivider to submit a revised Preliminary Plat with all recommended changes made before approving the Plat.
 - c. When a Preliminary Plat is disapproved, the County Planning and Zoning Board shall specify the reasons for such action in writing. One copy of such reasons shall be retained by the County Planning and Zoning Board, and one copy shall be given to the subdivider. If the Preliminary Plat is disapproved, the subdivider may make the recommended changes and submit a revised Preliminary Plat, or appeal the decision to the Board of County Commissioners.
 - d. Upon approval of the Preliminary Plat by the County Planning and Zoning Board, the subdivider may proceed with the preparation of the Final Plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this ordinance.

3.4 The Final Plat

3.4-1 General

- (1) The Final Plat shall constitute only that portion of the Preliminary Plat which the subdivider proposes to record and develop at the time; such portion shall conform to all requirements of this ordinance.
- (2) No Final Plat shall be approved unless, and until, the subdivider shall have installed all improvements required by this ordinance or shall have guaranteed their installation in a manner satisfactory to Scotland County, as provided herein.
- (3) The subdivider shall submit nine (9) copies of the Final Plat, so marked, to the administrator not less than fourteen (14) days prior to the County Planning and Zoning Board meeting at which it will be considered for approval; further, the plat shall be submitted not more than twelve (12) months after the date on which the Preliminary Plat was approved; otherwise, such approval shall be null and void unless an extension of this time is granted by the Zoning Board on or before the required date.

3.4-2 Preparation and Contents

The Final Plat shall be prepared by a registered land surveyor licensed to practice in the State of North Carolina. The Final Plat shall be drawn to the same scale and on the same size sheets as was the Preliminary Plat as it was approved. The size of the Final Plat shall be not more the 17 *19 inches in size, but not less than 16 *18 inches. One (1) copy of the final Plat shall be drawn in ink on linen or film suitable for reproduction, nine (9) copies shall be black or blue line paper prints.

3.4-3 Certification. The following signed certificates (lettered or stamped) shall appear on each copy of the Final Plat which is submitted to the County Planning and Zoning Board by the subdivider.

(1) Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property shown and described hereon and that I adopt this plan of subdivision with free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I dedicate all public sewer lines and all water lines to Scotland County, if applicable.

_____ Date _____ Owner(s)

(2) Certificate of Survey and Accuracy

I, _____, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) deed description recorded in Book _____, Page _____, Book _____, Page _____, etc. (other); that the error of closure as calculated by latitudes and departures is 1: _____; that the boundaries not surveyed are shown as broken lines plotted from information found in (source). Witness my hand and seal the _____ day of _____ A.D. 19__.

(3) Certificate of Approval of the Design and Installation of Streets :

I hereby certify that all streets have been designed in an acceptable manner and according to state specification and standards in the _____ subdivision.

_____ Date _____ District Engineer, North Carolina
Department of Transportation

3.4-4 Action by the County Planning and Zoning Board

- (1) The County Planning and Zoning Board shall approve or disapprove the Final Plat within forty-five (45) days of its first consideration.
- (2) During its review of the Final Plat, the County Planning and Zoning Board may appoint an engineer or surveyor to confirm the accuracy of the Final Plat. If substantial errors are found, in the opinion of the County Planning and Zoning Board, the costs shall be charged to the subdivider.
- (3) If the County Planning and Zoning Board approves the Final Plat, such approval shall be indicated on each copy of the Plat by the Following signed certificate.

Certification of Approval by the Planning Board

The Scotland County Planning and Zoning Board hereby approves the Final Plat for the _____ subdivision.

_____ Date _____ Chairman
Scotland County Planning and
Zoning Board

- (4) If the County Planning and Zoning Board disapproves the Final Plat, the County Planning and Zoning Board shall state in writing its reasons for such action, specifying the provisions of this ordinance with which the Plat does not comply. One copy of this statement shall be transmitted to the subdivider within fifteen (15) days of disapproval; the other copy shall be retained by the County Planning and Zoning Board as a part of its proceedings.

3.4-5 **Recording the Final Plat.** The subdivider shall file the approved Final Plat with the Register of Deeds of Scotland County for recording within sixty (60) days after the date of the County Planning and Zoning Board's approval; otherwise, such approval shall be null and void. The size requirements of the Final Plat shall be that the page size be not larger than 17 *19 inches, but not smaller than 16 * 18 inches. A one-inch margin shall be required on all sides of the Final Plat, excepting the left-hand margin, which shall be one and one-half inches for binding purposes.

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

The Preliminary and Final Plats shall be depict or contain the information indicated on the following table. An "x" indicates that the information is required.

Information	Preliminary Plat	Final Plat
Title Blocking Containing:		
Name of owner	X	X
Location (including township, County, and state)	X	X
Date or dates survey was Conducted and plat prepared	X	X
A scale of drawing in feet Per inch listed in words or figures	X	X
A bar graph	X	X
Name, address, registration number And seal of the Registered Land Surveyor	X	X
The name of the subdivider	X	X
A sketch vicinity map showing The relationship between the proposed Subdivision and surrounding area.	X	X
Corporate Limits, Township boundaries, county lines If on the subdivision tract	X	X
The names, addresses and telephone numbers of all owners, mortgagees, registered land surveyors, land planners, architects, and professional engineers responsible for the subdivision	X	X
The registration numbers and seals of the professional engineers	X	X

North arrow and orientation	X	X
The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown	X	X
The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings.	X	X
Minimum building setback lines	X	X
The zoning classifications of the tract to be subdivided and adjoining properties	X	X
Existing property lines on the tract to be subdivided	X	X
Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both the land to be subdivided and within the first 100 feet of the land immediately adjoining.	X	X
Proposed lot lines, lot and block numbers, and approximate dimensions	X	X
The lots numbered consecutively throughout the subdivision	X	X
Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, stream beds and any other natural features affecting the site	X	X
The approximate location of the flooded hazard, floodway fringes areas from the community's FHBM or other FEMA maps.	X	X
The following data concerning streets:		
Proposed streets	X	X
Existing and plated streets within the first 100 feet of the adjoining properties and in the proposed subdivision	X	X
Rights-of-way, locations and dimensions	X	X

Pavement widths	X	X
Approximate grades	X	
Design engineering data for all corners and curves	X	X
Typical street cross sections	X	
Street names	X	X
Type of street dedication; all streets must be designated either "public" or "private". Where public streets are involved which will not be dedicated to a municipality, the subdivider must submit the following documents to the N.C. Department of Transportation District Highway Office for review: a complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; (the District Engineer may Require the plotting of the Ground profile and grade Line for roads where special Conditions or problems exist)	X	X
The location and dimension of all:		
Utility and other easements	X	X
Parks and recreation areas with specific type indicated	X	X
School sites	X	X
Areas to be dedicated or reserved for public use	X	X
The plans for utility layouts including:		
Public or Community Sewage	X	X

System (if any)		
Storm sewers	X	X
Other drainage facilities (if any)	X	X
Public water system (if any)	X	X
Natural gas lines	X	X
Telephone lines	X	X
Electrical lines	X	X
Illustrating connection to existing systems, showing line sizes, the location or fire hydrants, blowoffs, manholes, force mains and gate valves.		
Plans for individual water supply and septic tank systems if any	X	X
Site calculation including:		
Acreage in total tract to be subdivided	X	
Acreage in parks and recreation areas and other nonresidential uses	X	
Total number of parcels created	X	
Acreage in the smallest lot in the subdivision	X	
Linear feet in streets	X	
Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles. And tangent distance for the center line of curved property lines that are not the boundary lines of		X

curved streets. All dimensions shall be measures to the nearest one-tenth of a foot and all angles to the nearest minute.

The accurate locations and description of all monuments, markers and control points.		X
A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas are established.	X	X
Topographic map with contour intervals of one foot.	X	X
All certifications required in Section 3.4-4	X	X
Any other information considered by either the subdivider or the Planning and Zoning Board to be pertinent to the review of the plat.	X	X

3.6 Resubdivision Procedures

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

SECTION 4.0 MINIMUM DESIGN STANDARDS

4.1 Street Arrangement

Streets shall be designed and located in relation to existing and planning streets; to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets.

4.1-1 Arrangement

- (1) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established on officially adopted plans.
- (2) All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

- (3) Minor streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient, safe access to property.
- (4) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged where such use will result in a more desirable layout.
- (5) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the County Planning and Zoning Board such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
- (6) In business and industrial developments the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

4.1-2 Railroads and Highways

Railroads right-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

- (1) In residential districts a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad rights-of-way or limited access highways. This strip shall be part of the platted lots and shall be designated on the plat: "This buffer is reserved for the planting of trees and shrubs by the owner. The placement of structures hereon is prohibited."
- (2) In districts planned for business, commercial, or industrial uses the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be a sufficient distance there from to ensure suitable depth for commercial or industrial sites.
- (3) Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

4.1-3 Access to Major Streets

Where a subdivision borders on or contains an existing or proposed major street, the County Planning and Zoning Board may require that access to such streets be limited by one of the following means:

- (1) The subdivision of lots so as to back onto the major street and front onto a parallel local street; no access shall be provided from the major street and screen planting shall be provided in a strip of land along the rear property line of such lots.
- (2) A series of cul-de-sacs, U-shaped street, or short loops entered from designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the major street.

- (3) A marginal access or service street (separated from the major street by a planting or grass strip and having access thereto at suitable points).
- (4) The number of residential streets entering a major street shall be kept to a minimum.

4.1-4 Alleys

- (1) Alleys shall be provided in all business, commercial, and industrial areas, except that the County Planning and Zoning Board may waive this requirement where other definite and suitable provision is made for service areas, such as off street loading and parking consistent with and adequate for the uses proposed.
- (2) The width of alleys shall be not less than 24 feet.
- (3) Dead-end alleys are prohibited except under very unusual circumstances, and crooked and "T" alleys shall be discouraged. Where dead-end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead-end.
- (4) Alleys shall not be provided in residential areas.

4.1-5 Street Names

Street names shall not duplicate or be similar to existing street names. Street names shall be projected on a sign being not less than six (6) inches wide and no more than twelve (12) inches long with white letters against a green background. Said signs shall be mounted on a 2 ½ inch diameter galvanized post seven (7) feet above the ground level.

4.1-6 Minor Streets

Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and railroads rights-of-way shall be avoided in residential areas.

4.2 Street Design Standards and Maintenance

- (1) All streets, private or those streets proposed to be dedicated to the state roads system, in a subdivision shall be designed and paved as prescribed by, and in accordance with specifications and standards required by the North Carolina Department of Transportation.
- (2) All subdivision streets shall be maintained by the developer to minimum standards of the Department of Transportation as required for acceptance of subdivision streets to the State Maintained System.
- (3) The developer shall petition the Department of Transportation through the Board of Commissioners for all subdivision streets to be accepted to the State Maintained System immediately when such streets meet the minimum acceptance standards of the Department of Transportation.

4.3 Street Intersections

4.3-1 Angle and Number of Streets Intersecting

- (1) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than 70 degrees shall not be acceptable.
- (2) Not more than two (2) streets shall intersect at any one point unless, specifically approved by the County Planning and Zoning Board.

4.3-2 Spacing of Intersections

- (1) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersection on the opposite side of such street. Street jogs with centerline offsets of less than 125 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous.
- (2) The number of intersections along arterial streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than twelve hundred (1,200) feet.

4.3-3 Property Lines

- (1) Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet or of a greater radius when required by the County Planning and Zoning Board, or shall be cut off by a straight line through the points of tangency of an arc having a radius of fifteen (15) feet.
- (2) Property lines at alley intersections and at abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movements.

4.3-4 Grades

- (1) Where the grade of any street at the approach of an intersection exceeds seven percent (7%), a leveling area shall be provided having not greater than four percent (4%) grade for a distance of 25 feet, measured from the nearest right-of-way line of intersecting street.
- (2) Intersections shall be designed with a flat grade wherever practical. In no case shall the vertical alignment within the intersection area exceed four percent (4%).
- (3) Where any street intersection will involve earth banks and existing vegetation inside any lot corner that would create traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

4.4 Blocks

The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access, control and safety of street traffic and topography.

4.4-1 Depth

Blocks in residential areas shall not as a general rule be less than six hundred (600) feet nor more than fifteen hundred (1,500) feet in length, unless otherwise dictated by

exceptional topography or other limiting factors consistent with good design. Whenever practicable, blocks along major streets and highways shall not be less than twelve hundred (1,200) feet in length.

4.4-2 Width

Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic, public parks, cemeteries, railroad rights-of-ways, bulkhead lines, shorelines of waterways, corporate boundaries or except as may be necessary due to extreme topography.

4.4-3 Pedestrian Ways

Pedestrian ways of not more than ten (10) feet in width may be required between rear lot lines where deemed necessary by the County Planning and Zoning Board to provide safe and convenient pedestrian circulation between the individual lots, streams, lakeshores, park lands, or other public area; or, may be required near the center and entirely across any block over nine hundred (900) feet in length where deemed essential by County Planning and Zoning Board to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.

4.4-4 Nonresidential Blocks

Blocks designed for business, commercial, or industrial uses shall be of such length and width as may be determined suitable by the County Planning and Zoning Board for the prospective use.

4.5 Lots

The size, shape, and orientation of lots shall be approved for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.

4.5-1 Arrangements and Layout of Lots

- (1) Side lot lines shall generally be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
- (2) Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- (3) Corner lots shall be designed and platted with at least ten (10) feet extra width over and above the minimum required for the zoning district, when applicable, or not less than the minimum building setback line required in section 4.6.
- (4) Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a stream or lake.

- (5) Every lot shall front or abut on a public or private street for a distance consistent with Scotland County Zoning Ordinance Section 16.1. Lots with access only to private drives or streets shall be permitted only with the approval of the Scotland County Board of Zoning Adjustment.
- (6) Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned as to allow resubdivision of any such parcels into normal lots in accordance with provisions of this ordinance.
- (7) Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

4.5-2 Area and Dimensions

- (1) Area and dimension of all lots shall conform to the requirements of the County Zoning Ordinance. Those building sites not served by a public sanitary sewer system or other approved system shall be sufficient to permit the use of an on-site soil absorption sewage disposal system designed in accordance with County and North Carolina State Board of Health standards. The width and area of all lots served by on-site sewage disposal shall conform to the requirements of the Scotland County Zoning Ordinance.
- (2) Lots shall have a minimum average depth consistent with the requirement of the Scotland County Zoning Ordinance. Excessive depth in relation to width shall be avoided, and a proportion of two to one (2:1) shall be considered a desirable ration under normal conditions.
- (3) Width of lots shall conform to the requirements of the Zoning Ordinance when applicable. Other than those lots located on a cul-de-sac, in no case shall a lot not having access to public water and/or sewer, be less than seventy-five (75) feet in width at the building setback line.
- (4) Depth and width of lots or parcels reserved or laid out for business, commercial, or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions, when applicable, for such use.

4.6 Building Setback Lines

Building setback lines, appropriate to the location and type of development contemplated, which are more restrictive than the regulations of the zoning district, when applicable, in which is located, may be required by the County Planning and Zoning Board. Building setback lines not regulated by zoning shall be not less than as follows:

<u>Type of Street or Way</u>	<u>Distance from Front Property Line</u>
Major Thoroughfare and Streets	50 feet
Minor Thoroughfare and streets	30 feet
Minor Street	20 feet

4.7 Easements

4.7-1 Utility Easements

The County Planning and Zoning Board may require easements of widths deemed adequate for the intended purpose on the property side front lot lines, on each side of all rear lot lines, on each side of all side lot lines or across where necessary or advisable for electric power and communication poles, wires, conduits; storm and sanitary sewers; street trees and gas, water, and other utility lines. All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines whenever carried on overhead poles except when such lots border a lake or stream.

4.7-2 Drainage Easements

Where a subdivision is traversed by a drainage way or stream, an adequate easement shall be provided as may be required by the County Planning and Zoning Board. The location, width, alignment, and improvement of such drainage way or easement shall be subject to the approval of the County Planning and Zoning Board; and parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscape open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, subject to review and approval by the County Planning and Zoning Board.

4.8 Public Sites and Open Spaces

In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainage ways and other public purposes. If designated on the comprehensive plan, comprehensive plan component, or component neighborhood development plan, if any, such areas shall be made a part of the plat as stipulated in section 2.3 of these regulations. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds and ravines.

SECTION 5.0 REQUIRED IMPROVEMENTS

5.1 Survey 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 provision of Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), shall apply conducting surveys for subdivisions; to determine the accuracy for surveys and placements of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

5.2 Grading

Cut and filled land shall be graded to a maximum slope of one on four or the soil's angle of repose, whichever is the lesser, and covered with permanent vegetation.

After the Installation of temporary block corner monuments by the subdivider and approval of street grades by the North Carolina Department of Transportation, the subdivider shall grade the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the North Carolina Department of Transportation. The subdivider shall grade the roadbeds in the street rights-of-way to subgrade.

5.3 Curb and Gutter

After the installation of all utility and storm water drainage improvements; the subdivider may construct concrete curb and gutters in accordance with plans and standard specifications approved by the County Planning and Zoning Board. This requirement may be waived where a permanent rural street section has been approved by the County Planning and Zoning Board. Wherever possible provisions shall be made at the time of construction for driveway access curb cuts. All street curbs being constructed or

reconstructed for maintenance procedures, traffic operations, repairs, correction of utilities or altered for any reason shall provide wheel chair ramps for the physically handicapped at all intersections where curb and gutter is provided or to be provided.

5.4 Rural Street Sections

When permanent rural street sections have been approved by the County Planning and Zoning Board, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the County Planning and Zoning and North Carolina Department of Transportation.

5.5 Sidewalks

The County Planning and Zoning Board may require the subdivider to construct concrete sidewalk on a side of all frontage streets and one or both sides of all other streets within the subdivision. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the County Planning and Zoning Board.

5.6 Utilities

5.6-1 Public Water and Sewer Systems

Where public water and /or sewer systems are to be installed as a part of the subdivision improvements, such systems shall be designed and installed in accordance with the standards and specifications of the health department and/or the governmental agency responsible for the approval of such systems.

5.6-2 On-site Water and Sewer Systems

Prerequisite to final plat approval, all lots on the plat to be recorded must be certified in writing by the health department or soil scientist licensed in N.C to meet health department minimum standards for on-site water and/or sewer system when either or both of such systems are proposed to be used.

5.7 Storm Water Drainage Facilities

The subdivider shall construct storm water drainage facilities, which may include sewers, road ditches, open channels, water retention structures and settling basins as required to adequately serve the subdivision. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazard to life or property.

5.7-1 Unpaved Ditches

Unpaved road ditches and street gutters shall be shaped and seeded and/or sodded as grasses waterways. Where the velocity of the flow is in excess of four (4) feet per second on soils having a severe erosion hazard and in excess of six (6) feet per second on soils having moderate, slight, or very slight erosion hazard, the subdivider shall install a paved invert or check dams, flumes, or other energy dissipating devices.

5.7-2 Shoreland Drainage

Shoreland drainage facilities shall include water retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, the size, type, grades and installation of all storm water drains and sewers and other cross-section, invert and erosion control paving, check dams, flumes, or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the County Planning and Zoning Board.

5.7-3 Cost

The subdivider shall assume the cost of installing all storm sewers within the proposed subdivision, except for the added cost of installing storm sewers greater than twenty-four (24) inches in diameter which are necessary to serve tributary drainage areas lying outside of the proposed subdivision. In addition, the subdivider shall pay to the County a storm sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in proportion to the total area of the proposed plat is to the total drainage area to be served by such larger sewers.

5.8 Other Utilities

The subdivider shall cause gas, electrical power and telephone facilities to be installed in such manner as to make adequate service available to each lot in the subdivision. All utility lines for local distribution of electric power and telephone service shall be installed underground within all residence districts as shown on the County zoning maps when applicable and in other subdivisions consisting of five (5) or more lots. It is desirable that primary electrical or telephone service line be located underground, however, under certain conditions service lines may be located on overhead poles along rear lot lines.

Plans Indicating the Proposed Location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the County Planning and Zoning Board,

5.9 Street Lamps

The County Planning and Zoning Board may require the subdivider to install street lamps, along all streets proposed to be dedicated, of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the county Planning and Zoning Board.

5.10 Shoreland Planting and Sediment Control

The subdivider shall plant those grasses, trees, shrubs and vines of a species and size specified by the County Planning and Zoning Board, necessary to prevent soil erosion, protect stream and lake banks, and substantially screen all development within five (5) years from surface water users.

In Addition, the County Planning and Zoning Board may require the subdivider to provide or install certain stream and lake protection and rehabilitation measures, such as fencing, sloping, seeding, rip-rap, revetment, jetties, clearing, dredging, snagging, drop structures, and grade stabilization structures.

SECTION 6.0 CONSTRUCTION

6.1 Commencement

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, by the appropriate authority.

6.2 Permits

No building, 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 has been met.

Access. The Administrator of the Ordinance shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this Ordinance.

6.3 Inspection

The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Administrator of this Ordinance to provide for adequate

inspection. The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work prior to release of the sureties.

6.4 Erosion Control

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

SECTION 7.0 DEFINITIONS

For the purpose of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

Administrator

The officer designated by the County Board of Commissioners to administer this Ordinance.

Alley

A special public way affording only secondary access to abutting properties.

Arterial Street

A street used, or intended to be used, primarily for fast or heavy through traffic. Arterial street shall include freeways and expressways as well as standard arterial, minor arterial, and major collector for rural type streets and highways for urban areas as defined by the North Carolina Highway Commission functional highway classification guide.

Block

A tract of land bounded by streets or by a combination of one or more streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines, or shore lines of waterways or corporate boundary lines.

Building

Any structure having a roof supported by columns or walls.

Building Setback Line

A line parallel to a lot line and at a distance from the lot line to comply with the County Zoning Ordinance's yard requirements.

Collector Street

A street used, or intended to be used, to carry traffic from minor streets to the systems of arterial streets including the principal entrance streets to residential developments and shall include all rural minor collector streets or highways and urban minor thoroughfare streets and highways as defined by the North Carolina State Highway Commission functional highway classification guide.

Comprehensive Plan

Any extensively developed plan, also called a master plan, prepared and adopted by the County Planning and Zoning Board and certified and adopted by the county Board of Commissioners, including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, and subdivision control ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.

County Commissioners

Board of County Commissioners, Scotland County, North Carolina.

County Planning and Zoning Board

The board created by the Board of County Commissioners and authorized to plan land use within Scotland County, North Carolina.

Cul-de-Sac Street

A minor street closed at one end with a turnaround provided for vehicular traffic.

Floodlands

Those lands, including the floodplains, floodways, and channels, subject to inundation by the one hundred (100) year recurrence interval flood, or, where such data is not available, the maximum flood of record.

Frontage

The smallest dimension of a lot abutting a public street measured along the street line.

Frontage Street

A minor street auxiliary to, and located on the side of, an arterial street for control of access and for service to the abutting development.

High Water Elevation

The average annual high-water level of a pond, stream, lake flowage or wetland referred to an established datum plan; or where such elevation is not available, the water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation, or other easily recognized topographic geologic, or vegetative characteristic.

Improvement, Public

Any sanitary sewer, storm sewers, open channel, water main, roadway, park, parkway, public access sidewalk, pedestrian way, planting strip, or other facility for which the County may ultimately assume the responsibility for maintenance and operation.

Lot

A parcel of land occupied or to be occupied by a main building or group of main building and accessory building(s) together with such yards, open spaces, lot width and lot area as are required by this ordinance and having not less than the required frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds. Multiple main buildings may occupy a lot in the event the land is zoned for commercial, industrial, multi-family, or for a manufactured home park. Multiple single-family buildings may occupy the same lot only as temporary uses approved by the Board of Zoning Adjustment.

Lot, Corner

A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

Lot of Record

A lot, the plat or deed of which, has been recorded at the Scotland County Register of Deeds prior to the adoption of this ordinance.

Lot, Through

A lot which has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot

lines; but in the case of two or more contiguous through lots, there shall be a common front lot line.

Manufactured Home

A dwelling unit that: (1) is not constructed in accordance with the requirements of the North Carolina Uniform Residential Building Code as amended, and (2) is composed of two or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site, and (3) meets or exceeds the construction standards of the U.S. Department of Housing and Urban Development, and conforms to the standards specified in the Scotland County Zoning Ordinance.

Mean Sea Level Datum

Mean Sea Level Datum, 1929 Adjustment, as established by the United States Coast and Geodetic Survey.

Minor Street

All rural local roads and urban local streets or cul-de-sac streets as defined by the North Carolina State Highway Commission functional highway classification guide and which is used solely to afford access to property along such street and access to the collector and arterial street systems.

Modular Home

A dwelling unit constructed with one or more components which are prefabricated and hauled to the site that are capable of producing a dwelling which is indistinguishable from conventionally built homes and which meets the construction requirements of the North Carolina Uniform Residential Building Code as amended.

Navigable Stream

Any stream capable of floating any boat, skiff, or canoe of the shallowest draft used for recreation purposes.

Outlot

A parcel of land, other than a lot or block, so designated on the plat, but not of standard lot size, which can be either redivided into lots or combined with one or more other adjacent outlots or lots in adjacent subdivisions in the future for the purpose of creating buildable lots.

Preliminary Plat

A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

Public Way

Any public road, street, highway, walkway, drainage, or part thereof.

Replat

The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.

Shorelands

Those lands lying within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

Street Right-of-Way Dedication

Process in accordance with Section 4.2 (3) by which streets meeting the requirements found in "The North Carolina Department of Transportation, Division of Highways, Subdivision Roads, Minimum Construction Standards" "Addition of Subdivision Roads to the System" as amended, become part of the State Maintained System.

Subdivider

Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.

Surety Bond

A bond guaranteeing performance of a contract or obligation through possible forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

Wetlands

Those lands which are partially or wholly covered by marshlands flora and generally covered with shallow standing water, or lands which are wet and spongy due to a high water table.

APPENDIX A

SCOTLAND COUNTY SOILS INTERPRETATIONS FOR RESIDENTIAL USE

	Percent of County
<p><u>ALLUVIAL LAND, wet (A1)</u> – Very unsuitable for residential use. This type of soil has severe limitations for septic filter fields because of the high water table and the possibility of frequent flooding. Limitation for highway and roadway location is severe because of the high water table and flooding hazard. This soil is very poor source of topsoil and road fill. The water table is within a few inches of the soil surface year-round, and the soil is poorly drained. Septic tanks will not work in this soil.</p>	5.4
<p><u>BIBB (Ba)</u> – Unsuitable for residential development. The water table is at the surface of the ground causing wet conditions throughout the area where this soil is found. Septic fields will not work in this type of soil. Community sewage disposal systems will be required as permeability of the soil is very slow. The limitations for highway and roadway use is severe because of the high water table and hazard of flooding.</p>	1.2
<p><u>BLANEY (BnB, BnC)</u> – Suitable for residential development. Depth to seasonally high water table is 4+ feet, permeability is good enough for septic field operation and wells on the same lot. The soils are well drained.</p>	1.2
<p><u>CHIPLEY (Ch)</u> – <u>Limitations.</u> This soil can be used for development, but septic fields and wells should not be used on the same lot. This is because of the high water table (2.5 feet below the surface) and the permeability of the soil. The septic fluids could easily contaminate the ground water used for drinking purposes. It could be used for residential development <u>if</u> a community sewage disposal system and/or a community water supply were installed. Limitations for highway and roadway location are seasonably high water table and the fact that cut slopes and ditchbanks are moderately unstable.</p>	.6
<p><u>COXVILLE (Co)</u> – Coxville soil should not be used for residential development. It is a poorly drained soil; runoff is slow and water may pond; internal drainage is slow, permeability is slow; and the water table is at or near the surface in wet seasons. These limitations would mean that septic fields would not work, a severe limitation for development. The corrosivity of the soil is high, a severe limitation for concrete and uncoated street. Wetness of the soil causes severe limitations for dwellings, local roads and streets and light industries.</p>	3.0
<p><u>CRAVEN (CrB2, CrC2)</u> – Craven soil should not be used for residential development. Depth to seasonal high water table is within 2 ½ feet of the surface for two to six months annually on the nearly level phases. There are severe limitations on this soil because of the high corrosivity factor for uncoated steel and concrete. Severe limitations for dwelling because of the high shrink-swell potential, wetness, failure of septic fields, unsuitability of the soil for roadways, streets, and light industries.</p>	-1
<p><u>DUNBAR (Db)</u> – Dunbar soil should not be used for development of residential use of septic fields. The soil is moderately slow in permeability with a seasonally high water table with 1.5 feet from the surface for significant periods every year. The soil is poorly drained, runoff and internal drainage are slow. Highway and street location is limited by the high water table. However, the soil can be used as recreational area with certain types of grasses and shrubs for beautification.</p>	2.0
<p><u>DUPLIN (Dp)</u> – Duplin soil map be used for residential development if septic fields are not used. Community Sewage systems will be needed because of the seasonally high water table that is within two feet of the surface from two to six months annually. The soil has a high corrosivity level for uncoated steel, and a moderate value for</p>	1.3

concrete. There are moderate limitations for dwellings because of the wetness and the shrink-swell construction. There are also limitations on local roads and streets because of the lot traffic supporting capacity and the seasonally high water table. This soil may be used for recreational purposes.

EUSTIS (EuB, EuC) – These soils are suitable for residential development. CAUTION: Due to the rapid permeability of the soil, septic fields and wells should be placed well apart to prevent contamination of the ground water by septic fluids. The permeability of the soil is rapid, allowing very little filtering action to the septic fluids. The water table is 10+ feet below the surface, the soil is excessively drained. Highway location is critical because of the fact that the cut slopes are moderately unstable. 3.9

FACEVILLE (FaA, FaB, FaB2, FaC2) – Faceville soil is suitable for residential development. The soils are well drained, moderately permeable, have moderate corrosivity value on uncoated steel and concrete, slight limitations for septic fields, streets and low-cost roads, and foundations for low buildings. 1.4

GILEAD (GdA, GdB, GdB2, GdC, GdC2, GdD) – Gilead soils are suitable for development. Caution should be used on the steeper slopes because of the severe limitation of septic field operation of the slope is greater than six percent. The soil has moderately slow permeability, and a moderate shrink-swell potential. Highway location is not limited but there may be some seepage areas. The seasonal high water table is 3+ feet so wetness is not a problem. The soil is well drained. 5.9

GOLDSBORO (GoA) – Goldsboro soil may be used for residential development with restrictions placed on the location of roads and streets, septic fields, and some consideration given to the wetness problem caused by a seasonal high water table two feet below the soil surface form two to six months annually. There is a severe restriction for the septic field operation which can be overcome by the use of a community type sewage system. There is a high corrosivity value placed on the soil location of roads because of the seasonal high water table. The soil is moderately well drained, with medium to slow runoff. A detailed soils investigation should be obtained before developing this soil. Goldsboro may be used for recreation. 8

HOFFMAN (HfC2, HfD) – Hoffman soil may be used for residential development with the following restrictions. There are sever limitations for septic fields because of the slow permeability of the soil. Community type of sewage disposal and treatment will have to be used on this type of soil to prevent septic field failure. Highway and road location have the restriction of severe erodibility of the soil. It is possible that the severe restriction on this soil would make development economically unfeasible. 1

JOHNS (Jo) – This soil is unsuitable for residential development. There are severe limitations on dwellings, septic tank filter fields, local roads and streets, and light industries because of the seasonal high water table (within 18 inches of the soil surface two to six months annually), and the hazard of flooding. The Johns soils are poorly to moderately drained soils on stream terraces. The soil may be used for seasonal recreational use. 7

JOHNSTON (Jm) – Johnston soil is unsuitable for development. It is located on the flood plains, and is very poorly drained. The soil is moderately permeable, frequently flooded and the water stands on the surface for long periods of time. The depth to seasonally high water table is zero. 1.0

KALMIA (KaA) – This soil may be used for residential development. Care must be taken to select the elevation that will not be subject to flooding. The soil is well drained, runoff is medium, internal drainage is medium, and permeability is moderate. The limitation for septic fields is slight, on zero to eight percent slopes, and moderate 1

on eight to ten percent slopes. Dwellings, roads and streets, and light industries must be located in non-flooding areas. The low lying areas are subject to infrequent flooding.

KENANSVILLE (KnA, KnB) – Kenansville soil is suitable for residential development. The depth to the seasonal high water table is greater than five feet, the soil is well drained, runoff is slow, and the permeability is moderately rapid. There are slight limitations for dwellings, septic tank filter fields, local roads and streets, and light industries. There is a high corrosivity level for concrete because of the reaction of the soil. 1.9

LAKELAND (LkB, LkD) – This soil may be used for residential development. There is a moderate limitation on septic tank filter fields because of the rapid permeability and limited filtering action of the soil. Lakeland is somewhat excessively drained, and cut slopes are moderately unstable for highway location. Caution must be used on this deep sand in locating wells and septic fields on the same general area to prevent the contamination of ground water by the effluent. 23.6

LUMBEE (Lu) – This soil is unsuitable for residential development. There are sever limitations for dwellings, septic tank filter fields, local roads and streets, and light industries because of the depth to seasonal high water table (At or near the surface of the soil two to six month annually). There is a high corrosivity level for uncoated steel and concrete because of the drainage and acidity of the soil. .9

LYNCHBURG (Ly) – Lynchburg soil is well drained soil and that can be used for development. It has a sever limitation for septic tank filter fields because of the seasonal high water table that is 1.5 feet from the surface of the soil during the wet season. Lynchburg soil is moderately permeable but has limitations in highway location because of the seasonal high water table. Caution should be used in locating wells and septic tank filter fields in the same are. Community systems. 1.1

MANTACHIE (Ma) – Not suitable for development. This soil is of the local alluvial type which is subject to frequent flooding and has a high water table. These places sever limitations on septic tank filter fields, highway location, dwelling location, and location of light industries. The soil also is very permeable and water moves through it rapidly. The water table is 1.5 feet below the surface of the soil. .3

MARLBORO (MbA, MbB, MbB2) – The Marlboro soil is suitable for development. It is a well drained, moderately permeable soil with medium runoff. The limitations for this are moderate for dwellings, location highways, septic tank filter fields, streets and low-cost roads, and light industries. There are high corrosivity level for uncoated steel and concrete because of the acidity of the soil. 5.7

MCCOLL (Mc) – McColl soil is not suitable for development without special consideration for drainage and community sewage systems. This soil has a seasonal high water table that is near or at the surface of the soil two to six months annually. McColl is moderately permeable, but the high water table prevents the septic tank filter field from working properly. Highway location is restricted by the high water table and the possibility of water ponding during the wet season unless artificial drainage is provided. 3.3

NORFOLK (NoA, NoB, NoB2, NoC2) – Norfolk soil is suitable for residential development. It is well drained, moderately permeable soil, with slight limitations for septic tank filter fields, and cut slopes are stable for highway location. There are also slight limitations for dwelling location, and the septic tank filter field should not be placed close to the well as effluent may contaminate the ground water. 4.8

OCILLA (Oc) – Ocilla soil should not be used for residential development because of the high water table causing sever restrictions on septic tank filter fields. Artificial

drainage would help to relieve the problem. Highway location will also be affected by the seasonal high water table that is within 1.5 feet of the soil permeable soil. Community type sewage systems would solve the problem of septic tank fields, and artificial drainage would help with highway location

ORANGEBURG (OrA, OrB, OrB2, OrC2) – Orangeburg soil is suitable for residential development. It is well drained soil, moderately permeable, with slight limitations for septic tank filter fields, good for highway location, and cut slopes are stable.

PLUMMER (Pl, Ps) - Plummer sand is unsuitable for residential development because of the wetness of the soil, and the seasonal high water table that is at or near the surface of the soil. This soil has severe limitations for septic tank filter fields because of the high water table. Ditchbanks are unstable in the Plummer sand and highway location is hazardous because of the high water table.

MAXTON (MxA) – Maxton soil is suitable for residential development. It is well drained, moderately drained soil with no limitations, EXCEPT IN THE LOW LYING AREAS, which are subject to infrequent flooding for very brief periods.

PORTSMOUTH (Pt) (Okenee) (Ok) – This soil is not suitable for residential development because of the high water table. There is a severe limitation for septic tank filter field because of the high water table and the possibility of flooding. The permeability is slow to moderately slow, and the hazard of flooding makes a residential development unfeasible.

RAINS (Ra) – Rains soil is unsuitable for residential development because of the seasonal high water table. This water table is at or near the surface of the soil two to six months annually, causing severe limitations for septic tank filter fields, dwellings and the location of streets and roads.

RUTLEGE (RU) – Rutlege soil is unsuitable for residential development because of seasonal high water table. The soil is rapid in permeability, which allows limited filtering action for septic tank fluids, and results in the danger of contamination of ground water and effluent. High water table, the possibility of frequent flooding and the fact that the cut slopes on roadways are unstable make this soil undesirable for development.

ST. LUCIE (S1) – This soil is suitable with limitations. This soil is very infertile, which means that lawns would be a problem. The soil is also very permeable, and caution should be used not to place wells and septic tank filter fields on the same area because of the danger of contaminating the ground water with septic fluids. Slopes of road-cuts are very unstable and the soil is excessively drained.

VAULCLUISE (VaB, VaB2, VaC, VaC2, VaD, VaD2) – This soil is suitable for development. It is well drained; water table is 10+feet. Septic fields have a severe limitation on slopes greater than 10%, (VaD, VaD2), and should not be located on these slopes. Cut slopes are stable, but the soil has a low available water capacity, so lawns would have to be watered heavily in dry seasons.

WAGRAM (WaB, WaC, WaD) – This soil is suitable for development. It is well drained, cut slopes are stable, and there are very slight limitations on septic filter fields. This soil also has a low available water capacity.

SWAMP AND SANDY LAND – These soils are not suitable for development.