

**Proposed Amendments to
Subdivision Ordinance
of Hoke County, North Carolina**

The Board of Commissioners hereby ratifies the Ordinance Amending the Subdivision Regulations of Hoke County, North Carolina originally adopted on the ___ day of November 16 2009 with Amendments 1 through 6 set out below:

Amendment # 1

Page 19, Section 3.3 (12) b.

(12) Street Cross Sections

a General Standards

1. These standards apply to both public and private streets.
2. All streets classified as local streets shall have a minimum fifty (50) foot right-of-way.
3. All streets classified as collector or major commercial/industrial streets shall have a minimum sixty (60) foot right-of-way.
4. Curb and gutter is a requirement for all major subdivisions. For any subdivision located within the R-10 zoning district or below (higher density), a two-foot six-inch (2'-6") vertical concrete curb and gutter or a two-foot (2') horizontal (valley) concrete curb and gutter shall be provided. For any subdivision located within the R-15 zoning district or above (lower density), asphalt wedge curb shall be permitted in addition to standard or vertical curbing. Regardless of street cross section, no open ditches are permitted in any newly created subdivisions.
5. Sidewalks are required on one side of the street for all subdivisions and the Board of Commissioners may require sidewalks on both sides of the road where the Board determines that pedestrian activity may warrant it. Exception, for subdivisions consisting of ten (10) lots or less in all residential zoning districts, sidewalks are not required if no future phases or future road connections are planned or constructed for the subdivision and if the subdivision is served by only one road that is no longer than 1,000 feet in length. Where sidewalks are required a concrete five-foot (5') sidewalk on the outer edge of the right-of-way meeting the Americans with Disabilities Act standards shall be provided. In approving a preliminary plan the Board of Commissioners may reduce the sidewalk requirement by up to fifty percent (50%) when in the Board's opinion other pedestrian amenities such as trails and greenways provide equal or better performance.

b Required Cross Sections

1. All residential subdivisions in areas classified as Urban Service Area in the Land Use Plan that are served by both public water and sewer systems shall be developed with curb and gutter pursuant to 3.3 (12) a, and shall be developed with sidewalks on both sides of the street, unless the area is adequately served by one sidewalk (i.e. a cul-de-sac).

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Amendment # 2.

Page 23, Section 3.11

Section 3.11 Phasing

Subdivisions may be designated to be constructed and platted in phases. Provided, however, the Subdivision Administrator may not approve a phasing plan when in his opinion such phasing will not provide for adequate public facilities to support any such phase or phases independent of the overall subdivision plan. In approving phases the Subdivision Administrator may require that additional streets, water and sewer facilities or other required public facilities be constructed as part of the phase or phases in order to ensure that sufficient public facilities will be in place to support such phase or phases independent of any future subdivision development. Note: Subsequent phasing shall not be approved until a written request to the Department of Transportation has been made for acceptance of streets/roads in the previous phase. Further, all roads in any phase of a new subdivision are to be guaranteed as permitted in Article 5 of this ordinance until accepted for maintenance by NCDOT. The amount of this guarantee shall be for at least fifty percent (50%) of the total costs of construction of the subdivision road. Once a subdivision road is accepted for maintenance by NCDOT, through written confirmation by NCDOT, this guarantee may be released. In lieu of the cash guarantee, the Board of Commission may accept the surety of a bonding company guaranteeing the condition of the subdivision road meet NCDOT standards for acceptance.

Amendment # 3

Page 30, Section 4.4 II (A) 5

5. Developer shall for projects at build out containing 50 or more connections provide at Developer's cost, well lot(s) on the COUNTY water system acceptable to COUNTY capable of producing a minimum of one gallon per minute for each connection in the development. Where well lot(s) dedication is required; Developer/Applicant shall convey by general warranty deed a well lot(s) to COUNTY acceptable to COUNTY and regulatory agencies having jurisdiction in the well/drinking water approval process that shall produce a minimum of one gallon per minute for each connection in the subdivision/development and ~~that shall~~ meet all regulatory drinking water requirements with or without treatment. As part of the process of establishing new well sites. Developer/Applicant shall pay for drilling test hole(s) with the cost of drilling the well(s), 24 hour well drawdown and water quality test, pump, pump house and related cost to bring the well(s) into service being a COUNTY expense. In addition Developer/Applicant shall provide title insurance certifying the well lot(s) to be marketable fee simple title, free and clear of liens and encumbrances along with a current plot plan surveyed and sealed by a registered surveyor. The well lot(s) shall contain an area of a minimum size of a 200' square extending 100' in all directions from the well head. Said well lot(s) shall front upon a publicly dedicated street or have a twenty foot wide perpetual easement with a ten foot wide gravel drive to provide reasonable access for vehicles and utilities to the well situated thereon. The proposed well site may include area set aside for open space designation.

Page 41, Section 4.15

Section 4.15 Open Space

The purpose of this Section is for the preservation of existing environmental resources and open space. These elements are of economic value to the County and make it a desirable place to live. All subdivisions consisting of more than fifteen (15) acres or creating more than thirty (30) lots will be required to set aside a minimum of ten percent (10%) of the total development area in open space. No more than twenty-five (25%) of said open space may be located within a floodplain or wetlands area. Developments in which all lots are five (5) acres or more (per lot) are exempt from this provision. Land designated as open space on the approved final plat shall be maintained as open space and may not be sold separately, subdivided, or developed.

Access from a public or private street shall be provided to all designated open space with a minimum fifteen (15) foot wide access to the open space area. Open space shall be contiguous wherever possible. County plans, particularly park and open space plans, shall be considered when evaluating proposals for dedication. Open space may be owned or administered by one or a combination of the following methods:

- (1) Fee simple ownership by a unit of government or private non-profit land conservancy
- (2) Common ownership by Homeowners Association
- (3) Split deeded ownership by individual property owners within the subdivision
- (4) By individual private ownership such as a farmer, developer or other private entity that maintains open space in accordance with the purposes of this Section. (i.e. farming, equestrian facility, etc. excluding confined livestock operations)
- (5) Deed restricted open space easement on individual properties

The Board of Commissioners shall have authority to accept or reject land dedications made as a requirement of this Section. They shall also have the authority to sell land accepted pursuant to this section with the proceeds of such sale used only for the acquisition, expansion or improvement for recreation, park, or open space sites. The owner of dedicated open space shall be responsible for the continuing upkeep and proper maintenance of the same. *(Continued on next page)*

Amendment # 4 (Continued)

Section 4.15 Open Space (Continued)

In lieu of open space land dedication, the Board of Commissioners shall permit the subdivider to contribute a cash payment to the County. The value of such payment shall be five percent (5%) of tax value of the ~~entire tract subdivided at the time the final plat approval is granted~~ as of January 1 of the year of recording of the final plat of the subdivision. Such tax value shall consider zoning district changes that occur at any time up until final plat approval. As set forth in the definition of open space, amenities are not considered part of the open space; however, the Board of Commissioners may consider the value of the land that the amenities are located on toward the open space value.

Deleted: of the appraised value for the amount of dedicated land from the parcel from which open space is being dedicated as required. The specified contribution shall determined by the equal to five percent (5%) of the

Amendment # 5

Page 43, Section 5.1

Section 5.1 Financial Guarantee in Lieu of Immediate Installation for Approval

In lieu of requiring the completion, installation and inspection of all or any part of the required improvements as described in this Ordinance prior to final plat approval, the County may approve a financial guarantee whereby the subdivider shall agree to complete all remaining required improvements. Once said financial guarantee is approved by the Board of Commissioners and the security required herein is provided, the Final Plat may be approved if all other requirements of this Ordinance are met. As set forth in Section 1.8 of this Ordinance, all performance guarantees shall be monitored by and through the Subdivision Administrator. To secure this agreement, the subdivider shall provide one of, or a combination of, the following guarantees to cover the costs of the proposed improvements:

**Amendment #
6**

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Section 6.3 Effect Upon Outstanding Preliminary Plats

Nothing herein contained shall require any change in any Sketch Plan or Preliminary Plat which has received approval by Hoke County prior to the time of the adoption of this Ordinance provided that such Sketch Plan or Preliminary Plat has been prosecuted to completion and a Final Plat recorded in the Office of the Register of Deeds within four (4) years after the time of the adoption of this Ordinance. If the Final Plat of all or part of the area shown on any previously approved Sketch Plan or Preliminary Plat is not recorded in the Office of the Register of Deeds within four (4) years after the time of the adoption of this Ordinance, such non-recorded area shall be subject to all the provisions of this Ordinance unless an extension is filed for as outlined below.

For preliminary ~~preliminary-plats~~ Preliminary Plats or Sketch Plans approved prior to the effective date of this ordinance, any outstanding ~~preliminary-plat~~ Preliminary Plat or Sketch Plan approval shall have two (2) years from the date the ~~preliminary-plat~~ Preliminary Plat or Sketch Plan was approved to obtain final plat approval. Where such final approval has not been obtained within two years from the date of receiving ~~preliminary-plat~~ Preliminary Plat or Sketch Plan approval, then the applicant may apply to the Board of Commissioners for an extension of up to two years, so long as said application is filed prior to the ~~preliminary-plat~~ Preliminary Plat or Sketch Plan approval's expiration date. Such an extension may be granted only where the applicant demonstrates good cause and where there has been substantial expenditure of resources directly related to the subdivision development. For those developments whose ~~preliminary-plan~~ Preliminary Plat or Sketch Plan approval is older than two (2) years where the developer has finalized at least one phase involving road construction improvements, then an applicant may apply to the Board of Commissioners for an extension of time up to two (2) years. Such an extension may be granted only where the applicant demonstrates good cause and where there has been a substantial expenditure of resources directly related to the subdivision development. In all cases where extensions are granted, the cumulative time period for obtaining final plat approval shall not exceed a total period of six (6) years from the date of the initial preliminary plat approval. For those developments where the ~~preliminary-plat~~ Preliminary Plat or Sketch Plan approval is older than two (2) years and the developer has not finalized at least one phase involving road construction improvements, then the approval is expired and the development must meet the current ordinance requirements.

After the effective date of this Ordinance, any Final Plat to be recorded based upon any outstanding Preliminary Plat or Sketch Plan that has not been granted an extension as outlined herein shall follow the Final Plat approval procedures of this Ordinance.

Public Notice

The Hoke County Board of Commissioners will hold a public hearing to consider proposed amendments to the Subdivision Ordinance on Monday, September 20, 2010 at 7:00 p.m. in the Commissioner's Room of the Pratt Building at 227 N. Main Street, Raeford, North Carolina.

The proposed amendment are:

1. Posted on the Hoke County Website at www.hokecounty.org or more specifically at <http://www.hokecounty.net/subdivision-ordinance-information/>
2. Are available for review at the office of Linda Revels, Clerk to the Hoke County Board of Commissioners' office in the Pratt Building at 227 N. Main Street, Raeford, North Carolina.

The public is invited to attend and be heard.

Linda Revels, Clerk to the Board

Publish: Display Ad: September 1st and 8th, 2010