

# ARTICLE 24. SUBDIVISION REGULATIONS

## PART I. GENERAL PROVISIONS

### Section 24-1: Thoroughfare Plan

Where a proposed subdivision includes any part of a thoroughfare which has been designated as such upon the officially adopted thoroughfare plan of the Town, such part of such thoroughfare shall be platted by the subdivider in the location shown on the plan and at the width specified in this Article.

### Section 24-2: School Plans

This Article may provide for the reservation of school sites in accordance with comprehensive land use plans approved by the Town Council. In order for this authorization to become effective, before approving such plans the Town Council and the Board of Education with jurisdiction over the area shall jointly determine the specific location and size of any school sites to be reserved, which information shall appear in the comprehensive land use plan. Whenever a subdivision is submitted for approval which includes part or all of a school site to be reserved under the plan, the Town Council shall immediately notify the Board of Education and the Board shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does not wish to reserve the site, it shall so notify the Town Council or the Planning Board, and no site shall be reserved. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall then have eighteen (18) months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation to condemn the site within eighteen (18) months, after eighteen (18) months the subdivider may treat the land as freed of reservation.

### Section 24-3: Unified Development Ordinance and Other Plans

Proposed subdivisions must comply in all respects with the requirements of the Unified Development Ordinance, and any other officially adopted plans.

### Section 24-4: Design Standards for Stormwater Drainage

- (A) Design of Drainage Courses. Surface drainage course shall have side slopes of at least three feet of horizontal distance for each one foot of vertical distances. Courses shall be of sufficient size to accommodate the drainage area without flooding.
- (B) Bottom Grade. The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each three hundred (300) feet of horizontal distance.

**Section 24-5: Sedimentation Pollution Control**

In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies, or other drainage network; the subdivider shall comply with all requirements of the “North Carolina Sedimentation Pollution Control Act of 1973.”

**Section 24-6: Stormwater Runoff Disposal**

All North Carolina Coastal Counties are subject to North Carolina Administrative Code 15 NCAC 2H.1000-Stormwater Runoff Disposal for the management of stormwater runoff. All stormwater runoff disposal plans shall be approved by the Division of Environmental Management and delivered to the Administrator.

**Section 24-7: Design Standards for Easements**

Easements shall be provided as follows:

- (A) Utility Easements. Easements for underground or above ground utilities shall be provided where necessary across lots, or preferably centered on rear or side lot lines, and shall be at least ten (10) feet in width.
- (B) Drainage Easements. Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose.
- (C) Buffer Strips. A buffer strip at least six (6) to eight (8) feet tall and giving approximately seventy-five percent (75%) visual opacity within one year of planting. Three rows of planted materials shall be required to a minimum depth of fifteen (15) feet unless otherwise recommended by the Planning Board and approved by the Town Council (refer to Article 15, Buffer Strips and Landscaping).

**PART II. MAJOR AND MINOR SUBDIVISIONS**

**Section 24-8: Plat Shall be Required on Any Subdivision of Land**

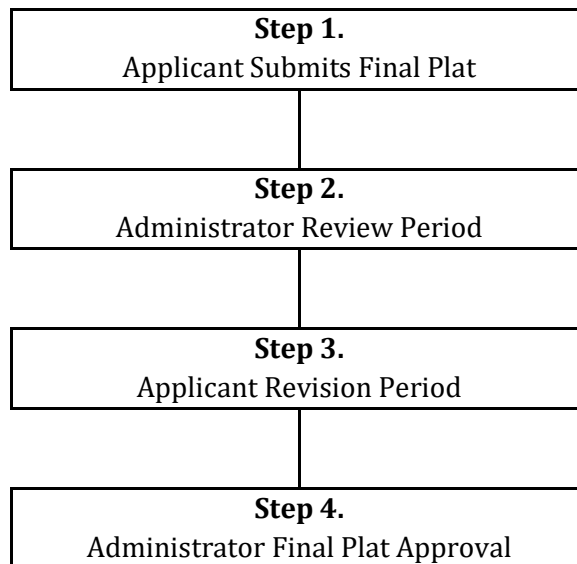
Pursuant to G.S. 160A-372, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever any subdivision of land takes place.

**Section 24-9: Approval Prerequisite to Plat Recordation**

Pursuant to G.S. 160A-373, no final plat of a subdivision within the jurisdiction of the Town, as established in Section 1-4 of this Ordinance, shall be recorded by the Register of Deeds of Robeson County until it has been approved as provided herein. To secure any approval of a final plat, the subdivider shall follow the procedures established in this Article.

**Section 24-10: Two-Lot and Family Subdivisions (Amended 6/1/2015)**

(A) Two-Lot and Family Subdivision Review Process. This is an administrative process. A subdivider may apply to the Administrator for a final plat review process for two-lot and family subdivisions. Family subdivisions are permitted only in the town's extraterritorial jurisdiction. Two-lot subdivisions which are not family subdivisions shall meet all lot requirements specified in Article 11. The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.



(B) Applicant Submits Final Plat. The applicant shall submit a final plat in accordance with the requirements of this ordinance.

(C) Administrator Review Period.

- (1) The Administrator shall review the plat in accordance with the requirements of this Ordinance and any other applicable ordinances. This review shall take not more than 15 working days. After conducting an application completeness review, the Administrator will notify the applicant of any deficiencies. The receipt of a revised application will restart the 15-day review period.
- (2) The Administrator may have any other applicable local, state, and federal officials, agencies, or consultants review the plat. The 15 working day limit may be extended up to 45 days if these agencies have been consulted and the Administrator is awaiting a reply.

(D) Family Subdivision Requirements.

- (1) The subdivider shall submit with his application for a family subdivision written evidence that the subdivision of land is a division of land by a property owner among his immediate family to wit: spouse, children, or their lineal descendants or ascendants, or the lineal descendants or ascendants of said property owner as a gift, or as a settlement of the property owner's estate.
- (2) The family subdivision shall provide that each lot or parcel of land shall have direct access from an existing recorded right-of-way or shall have a recorded access easement from a public road. If a grantor has a recorded access easement, it shall transfer along with the property.
- (3) The family subdivision resulting lots shall meet the minimum lot area requirements of this ordinance.

(E) Certificates for Two-Lot and Family Subdivisions.

Certificate of Approval for Recording Final Plat. I hereby certify that the subdivision plat shown hereon has been found to comply with the Town of Pembroke, North Carolina, Unified Development Ordinance and that this plat has been approved for recordation with the Robeson County Register of Deeds.

\_\_\_\_\_  
Administrator

\_\_\_\_\_  
Date

**Section 24-11: Procedures for Review of Major and Minor Subdivisions**

All subdivisions shall be considered major subdivisions except those defined as minor subdivisions by Section 2-2. Major subdivisions shall be reviewed in accordance with the procedure in Sections 24-11 and 24-13 through 24-15. Minor subdivisions shall be reviewed in accordance with the provisions in Section 24-12. However, if the subdivider owns, leases, holds an option on, or holds any legal or equitable interest in any property adjacent to or located directly across a street, easement, road, or right-of-way from the property to be subdivided, the subdivision shall not qualify under the minor subdivision procedure. Furthermore, the minor subdivision procedure may not be used a second time within three (3) years on any property less than fifteen hundred (1,500) feet from the original property boundaries by anyone who owned, had an option on, or any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval.

**Section 24-12: Procedure for Review of Minor Subdivisions**

The subdivider shall submit the final plat so marked to the Administrator for approval. The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 and the Standards of Practice for Land Surveying in North Carolina.

Five (5) copies of the final plat shall be submitted; two (2) of these shall be on reproducible material; three (3) shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina.

The final plat shall be of a size suitable for recording with the Robeson County Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one (1) sheet with appropriate match lines.

Submission of the final plat shall be accompanied by a filing fee as set forth in the Town's Fee Schedule. The final plat shall meet the specifications of this section. The following signed certificate shall appear on all five (5) copies of the final plat.

(A) Certificate of Ownership and Dedication. I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Pembroke and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.

\_\_\_\_\_

Owner

\_\_\_\_\_

Date

(B) Certificate of Survey and Accuracy. In accordance with G.S. 47-30: There shall appear on each plat a certificate by the person under whose supervision such survey or such plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references shown thereon. The ratio of precision as calculated by latitudes and

departures before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgments by the registered land surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds. Where a plat consists of more than one sheet, only the first sheet must contain the certification and all subsequent sheets must be signed and sealed.

The certificate required above shall include the source of information for the survey and data indicating the accuracy of closure of the plat before adjustments, and shall be in substantially the following form:

"I, \_\_\_\_\_, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book \_\_, Page \_\_, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book \_\_, Page \_\_; that the ratio of precision as calculated is 1: \_\_; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this \_\_\_ day of \_\_\_\_\_, A.D. 20\_\_."

Seal or Stamp

\_\_\_\_\_  
Surveyor

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

The certificate of the Notary shall read as follows:

"North Carolina, \_\_\_\_\_ County.

I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Seal or Stamp

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

My commission expires \_\_\_\_\_."

The Administrator shall review the final plat and shall proceed with approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the final plat with reasons within twenty-eight (28) days of initial receipt of the plat.

During review of the final plat, the Administrator may appoint an engineer or surveyor to confirm the accuracy of the final plat, if agreed to by the Town Administrator. If errors are found which make the plat non-recordable, the costs shall be charged to the subdivider, and the plat shall not be recommended for approval until such errors have been corrected.

If the Administrator approves the final plat, he/she shall secure all required Town signatures and transmit the final plat to the subdivider for recording with the Robeson County Register of Deeds office.

If the Administrator recommends conditional approval of the final plat with modifications to bring the plat into compliance, he/ she shall retain one (1) print of the plat for the Town's records and return his written recommendation and two (2) reproducible copies of the plat to the subdivider.

If the Administrator disapproves the final plat, he/she shall instruct the subdivider concerning resubmission of a revised plat, and the subdivider may make such changes as will bring the plat into compliance with the provisions of this Ordinance and resubmit same for reconsideration by the Administrator.

Failure of the Administrator to approve or make a written recommendation within twenty-eight (28) days after receipt of the subdivision plat shall constitute grounds for the subdivider to apply to the Town Council for approval.

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

Certificate of Approval for Recording. I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Pembroke, North Carolina, and that this plat has been approved by the Mayor for recording in the Office of the Register of Deeds of Robeson County.

\_\_\_\_\_

Date

\_\_\_\_\_

Mayor, Pembroke, North Carolina

If the property is located in the Watershed Protection Overlay District, the following certification shall be shown on each copy of the plat:

Certificate of Approval for Recording (Watershed Protection Overlay). I certify that the plat shown hereon complies with Article 25, Water Supply Watershed Protection Regulations and is approved by the Board of Adjustment for recording in the Register of Deeds office.

\_\_\_\_\_

Date

\_\_\_\_\_

Administrator

NOTE: This property is located within a Public Water Supply Watershed - development restrictions may apply. *(Amended 6/5/2017)*

If the final plat is disapproved by the Mayor and Town Clerk, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plat does not comply. One (1) copy of such reasons and one (1) copy of the plat shall be retained by the Administrator for record; one (1) copy of the reasons and three (3) copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may

make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Administrator.

If the final plat is approved by the Mayor and Town Clerk, the original tracing and two (2) prints of the plat shall be retained by the subdivider. One (1) reproducible tracing and one (1) print shall be filed with the Town Clerk.

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

**Section 24-13: Major Subdivision Sketch Design Plan Submission and Review**

- (A) Submission Requirements. The developer shall submit a sketch design plan prior to submitting a preliminary plat. Sketch design plans are optional. However, if a sketch is not submitted and approved by the Planning Board, a preliminary plat is required to be reviewed and approved by the Planning Board.
- (B) Procedural Requirements. The procedural requirements for receiving sketch plan approval are as follows: The subdivider shall submit to the Administrator or designated agent no less than twenty-one (21) days prior to the regularly scheduled Planning Board and Town Council meeting at which time the plan will be considered, fifteen (15) copies of the proposed sketch prepared in accordance with the requirements of this Ordinance. An application for subdivision review shall accompany the sketch.
- (C) Sketch Plan Contents. The proposed sketch plan shall be prepared by a registered land surveyor or engineer licensed to render said service in the State of North Carolina and shall depict the following information:
  - (1) The name and location of the proposed subdivision;
  - (2) The date that the sketch plan was prepared or revised;
  - (3) North arrow;
  - (4) Vicinity map;
  - (5) Verbal Scale (1"=100' if less than 5 acre lots);
  - (6) Verbal Scale (1"=200' if all lots are 5 acres or more);
  - (7) Graphic Scale
  - (8) Total number of lots;
  - (9) The names of adjacent property owners;
  - (10) Adjoining property lines within 100 feet of the property;
  - (11) Corporate limits, county lines, ETJ boundaries, etc.;
  - (12) Existing structures, wells, and septic systems;
  - (13) Zoning information, including setbacks;
  - (14) Total acreage to be subdivided and acreage left in open spaces or for other uses;
  - (15) Property boundaries and proposed lot lines;



- (16) Proposed road layout to meet NCDOT standards and proposed road construction standards;
- (17) Proposed road names;
- (18) Existing topography showing contour intervals of 10 feet;
- (19) Existing public roads and accesses within 400 feet of the property;
- (20) Existing railroads and bridges;
- (21) Utility easements;
- (22) Floodplain, public water supply watershed, and soil type information;
- (23) Watercourses, ponds, streams, etc.
- (24) Name and address of owner or developer; and
- (25) Maps submitted shall not exceed a maximum size of 24" x 36".

(D) Planning Board Review and Approval. The Planning Board and Town Council shall review the sketch plan and any other reports or recommendations pertaining to the plan and shall approve, approve with conditions, or disapprove the sketch plan.

- (1) If the Planning Board grants the conditional approval of the sketch plan, the conditions and reasons thereof shall be stated in writing.
- (2) If the Planning Board disapproves of the sketch plan, the reasons for disapproval shall be stated in writing and reference shall be made to the specific section(s) of this Ordinance with which the plan does not comply.
- (3) If the Planning Board approves the sketch plan, the developer is authorized to proceed with the preparation of the preliminary plat.
- (4) If the Planning Board fails to render a recommendation on the sketch plan within sixty (60) days from the date that the plan is initially reviewed by the Planning Board, the developer may proceed with the preparation of a preliminary plat.

**Section 24-14: Major Subdivision Preliminary Plat Submission and Review**

- (A) Submission Procedure. For every subdivision within the territorial and extra-territorial jurisdiction established by Section 1-4 of this Ordinance which does not qualify for the minor subdivision procedure, the subdivider shall submit a preliminary plat which shall be reviewed by the Planning Board and approved by the Town Council before any construction or installation of improvements may begin.

Twelve (12) copies of the preliminary plat (as well as any additional copies which the Administrator determines are needed to be sent to other agencies) shall be submitted to the Administrator of this Ordinance at least twenty-one (21) days prior to the Planning Board meeting at which the subdivider desires the Planning Board to review the preliminary plat. Preliminary plats shall meet the specifications in Section 24-16.

- (B) Review by Other Agencies. The Administrator may, at his discretion, or as directed by the Planning Board, submit copies of the plat to other agencies or contract services for review and comment.

- (C) Review Procedures.

- (1) The Administrator shall review the preliminary plat before the next regularly scheduled meeting of the Planning Board which follows at least twenty-one (21) days after the Administrator receives the preliminary plat.
- (2) The Administrator shall, in writing, recommend approval, conditional approval with recommended changes to bring the plat into compliance, or disapproval with reasons within twenty-one (21) days following receipt of the preliminary plat.
- (3) If the Administrator recommends approval of the preliminary plat, copies of the plat shall be submitted to the Planning Board with the Administrator's recommendation.
- (4) If the Administrator recommends conditional approval of the preliminary plat, copies of the plat and the recommendation shall be transmitted to the Planning Board, and a copy of the plat and Administrator's recommendation submitted to the subdivider.
- (5) If the Administrator recommends disapproval of the preliminary plat, copies of the plat and the Administrator's recommendation shall be transmitted to the Planning Board, and a copy of the plat and Administrator's recommendation submitted to the subdivider.
- (6) If the preliminary plat is disapproved by the Planning Board, the subdivider may make the recommended changes and submit a revised preliminary plat, or appeal the decision to the Town Council.

- (7) If the Planning Board does not make a written recommendation within forty-five (45) days after its first consideration of the plat, the subdivider may apply to the Town Council for approval or disapproval.
- (8) If the Town Council approves the preliminary plat, such approval shall be noted on two (2) copies of the plat. One (1) copy of the plat shall be retained by the Town, and one (1) copy shall be returned to the subdivider. If the Town Council approves the preliminary plat with conditions, approval shall be noted on two (2) copies of the plat along with a reference to the conditions. One (1) copy of the plat along with the conditions shall be retained by the Town, and one (1) copy of the preliminary plat along with the conditions shall be returned to the subdivider. If the Town Council disapproves the preliminary plat, the reasons for such disapproval shall be specified in writing. One (1) copy of the plat and the reasons shall be retained by the Town, and one (1) copy shall be returned to the subdivider.

**Section 24-15: Major Subdivision Final Plat Submission and Review**

- (A) Preparation of Final Plat and Installation of Improvements. Upon approval of the preliminary plat by the Town Council, 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. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this Ordinance, or guaranteed their installation as provided herein. No final plat will be accepted for review by the Planning Board or the Town Council unless accompanied by written notice by the Town Clerk acknowledging compliance with the improvement and guaranteeing standards of this Ordinance. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at this time; such portion shall conform to all requirements of this Ordinance. Developers must provide a digitized database with all final plats in a form to be determined by the Administrator.
- (B) Performance Guarantees. In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval, the Town of Pembroke may enter into an agreement with the subdivider whereby the subdivider shall agree to complete any remaining required improvements as specified by the approved preliminary plat for that portion of the subdivision to be shown on the final plat within a mutually agreed upon specified time period. Once agreed upon by both parties and the security required herein is provided, the final plat may be approved by the Town Council, if all other requirements of this Ordinance are met. The town shall require a certified cost estimate from a licensed contractor or engineer for the cost of completion of such improvements. *(Amended 8/2/2021)*
  - (1) Type. The subdivider shall provide one of the following Performance Guarantees, elected at the subdivider's discretion, in lieu of installation *(Amended 8/2/2021)*:

- (a) Surety bond issued by any company authorized to do business in this State.
  - (b) Letter of credit issued by any financial institution licensed to do business in this State.
  - (c) Other form of guarantee that provides equivalent security to a surety bond or letter of credit.
- (2) Duration. The duration of the performance guarantee shall initially be one year, unless the subdivider determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the subdivider determines that the scope of work for the required improvements necessitates a longer duration. *(Amended 8/2/2021)*
- (3) Extension. A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the town, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period; provided, however, that the extension shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in subdivision (5) of this subsection and shall include the total cost of all incomplete improvements. *(Amended 8/2/2021)*
- (4) Release. The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgment by the town that the improvements for which the performance guarantee is being required are complete. The town shall return letters of credit or escrowed funds upon completion of the required improvements to the specifications of the town, or upon acceptance of the required improvements, if the required improvements are subject to town acceptance. When required improvements that are secured by a bond are completed to the specifications of the town, or are accepted by the town, if subject to town acceptance, upon request by the developer, the town shall timely provide written acknowledgement that the required improvements have been completed. *(Amended 8/2/2021)*
- (5) Amount. The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. The town may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably estimated cost of completion shall include 100% of the costs for labor and materials necessary for completion of the required improvements. Where

applicable, the costs shall be based on unit pricing. The additional 25% allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed 125% of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained. *(Amended 8/2/2021)*

- (6) Timing. The town, at its discretion, may require the performance guarantee to be posted either at the time the plat is recorded or at a time subsequent to plat recordation. *(Amended 8/2/2021)*
- (7) Coverage. The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion. *(Amended 8/2/2021)*
- (8) Legal Responsibilities. No person shall have or may claim any rights under or to any performance guarantee provided pursuant to this subsection or in the proceeds of any such performance guarantee other than the following:
  - (a) The town to whom such performance guarantee is provided.
  - (b) The subdivider at whose request or for whose benefit such performance guarantee is given.
  - (c) The person or entity issuing or providing such performance guarantee at the request of or for the benefit of the developer.
- (9) The town may release a portion of any security posted as the improvements are completed and recommended for approval by the UDO Administrator. Within thirty (30) days after receiving the UDO Administrator's recommendation, the Town Council shall approve or not approve said improvements. If the Town Council approves said improvements, then it shall immediately release any security posted. *(Amended 8/2/2021)*
- (10) For subdivisions which are underwritten or constructed with federal funds and for which the specifications for facilities or improvements are equal to or of a higher standard than those required by the town, the bond-posting requirement may be waived and the final plat approved prior to completion of facilities or improvements.
- (11) Multiple Guarantees. The subdivider shall have the option to post one type of a performance guarantee as provided for in subdivision (a) of this subsection, in lieu of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees. Performance

guarantees associated with erosion control and stormwater control measures are not subject to the provisions of this section. *(Amended 8/2/2021)*

- (C) Claims. No person shall have or may claim any rights under or to any performance guarantee provided pursuant to this section or in the proceeds of any such performance guarantee other than the following:
- (1) The local government to whom such performance guarantee is provided.
  - (2) The developer at whose request or for whose benefit such performance guarantee is given.
  - (3) The person or entity issuing or providing such performance guarantee at the request of or for the benefit of the developer. *(Amended 8/5/2019)*
- (D) Defects Guarantees. The owner of the subdivision shall require the contractor constructing streets, curbs, gutters, sidewalks, drainage facilities, and/or water and sewer lines to give bond guaranteeing the work against defects.
- (E) Submission Procedure. The subdivider shall submit the final plat, so marked, to the Administrator not less than twenty-one (21) days prior to the Town Council meeting at which it will be reviewed; further, then final plat for the first stage of the subdivision shall be submitted not more than twenty-four (24) months after the date on which the preliminary plat was approved; otherwise such approval shall be null and void, unless a written extension of this limit is granted by the Town Council upon written request of the subdivider on or before the twenty-four (24) month anniversary of the approval. For subdivisions developed in stages, each successive final plat for a stage of the subdivision shall be submitted for approval within twenty-four (24) months of the date of approval of the previous final plat for a stage of the subdivision.

The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provision for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 and the Standards of Practice for Land Surveying in North Carolina.

Five (5) copies of the final plat shall be submitted, two (2) of these shall be on reproducible material, three (3) shall be in accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Robeson County Register of Deeds.

The final plat shall be of a size suitable for recording with the Robeson County Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one sheet with appropriate match lines.

Submission of the final plat shall be accompanied with a filing fee as established by the Town's fee schedule. The final plat shall meet the specifications in Section 24-16 of this Ordinance.

The following signed certificates shall appear on all five (5) copies of the final plat.

- (1) Certificate of Ownership and Dedication. I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Pembroke and that I hereby adopt this plat of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, open space, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewer, stormwater sewer, and water lines, and appurtenances, to the Town of Pembroke.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

- (2) Certificate of Survey and Accuracy. In accordance with G.S. 47-30: There shall appear on each plat a certificate by the person under whose supervision such survey or such plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references shown thereon. The ratio of precision as calculated by latitudes and departures before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgments by the registered land surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds. Where a plat consists of more than one sheet, only the first sheet must contain the certification and all subsequent sheets must be signed and sealed.

The certificate required above shall include the source of information for the survey and data indicating the accuracy of closure of the plat before adjustments, and shall be in substantially the following form:

"I, \_\_\_\_\_, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book \_\_, Page \_\_, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book \_\_, Page \_\_; that the ratio of precision as calculated is 1:\_\_; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_."

Seal or Stamp

\_\_\_\_\_  
Surveyor

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

The certificate of the Notary shall read as follows:

“North Carolina, \_\_\_\_\_ County.

I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Seal or Stamp

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

My commission expires \_\_\_\_\_.”

- (3) Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements. I hereby certify that all streets, utilities, and other required improvements have been installed in accordance with NC Department of Transportation specifications and standards, or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Pembroke has been received, and that the filing fee for this plat, as established by the Town’s fee schedule, has been paid.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrator, Town of Pembroke

- (4) Certificate of Disclosure; Town of Pembroke Floodplain Management Regulations, if applicable, to be signed by owner: I (we) hereby certify that prior to entering any agreement or any conveyance with a prospective buyer, I (we) shall prepare and sign, and the buyer of the subject real estate shall receive and sign a statement which fully and accurately discloses that the subject real estate, or a portion of the subject real estate, is located within a flood hazard area and that the buyer must satisfy the requirements of Town of Pembroke floodplain management regulations prior to the issuance of building permits.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner’s Signature

\_\_\_\_\_  
Owner’s Signature

- (5) Acknowledgment of Compliance (Private Developments). I, \_\_\_\_\_, (name of developer and/or seller) hereby certifies that the streets (including traffic markings and control devices) and parks, open space, or other areas delineated hereon and dedicated to private use, shall not be the responsibility of the public or the municipality, acting on behalf of the public, to maintain. Furthermore, prior to entering any agreement or any conveyance with any prospective buyer, I shall prepare and sign, and the buyer of the subject real estate shall receive and sign, an acknowledgment of receipt of a disclosure statement. The disclosure statement shall fully and completely disclose the private areas and include an examination of the consequences and responsibility as to the maintenance



of the private areas, and shall fully and accurately disclose the party or parties upon whom the responsibility for construction and maintenance of such private areas shall rest. *(Amended 8/3/2015)*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Developer and/or Seller

\_\_\_\_\_  
Signature of Developer and/or Seller

- (6) Notwithstanding any other provision contained in this section, it is the duty of the surveyor, by a certificate on the face of the plat, to certify to one of the following:
  - (a) That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
  - (b) That the survey is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
  - (c) That the survey is of an existing parcel or parcels of land;
  - (d) That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, and other exception to the definition of a subdivision;
  - (e) That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of his or her professional ability as to provisions contained in Section 24-15(C)(1) through (C)(5) above.

However, if the plat contains the certificate of a surveyor as stated in (a), (d), or (e) above, then the plat shall have, in addition to said surveyor’s certificate, a certification of approval, or no approval required, as may be required by local ordinance from the appropriate government authority before the plat is presented for recordation. If the plat contains the certificate of a surveyor as stated in (b) and (c), above, nothing shall prevent the recordation of the plat if all other provisions have been met.

- (7) The Planning Board shall review the final plat at or before the next regularly scheduled meeting which follows at least twenty-one (21) days after the Administrator receives the final plat and shall recommend approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the final plat with reasons within forty-five (45) days of its first consideration.
- (8) During its review of the final plat, the Planning Board may appoint a Registered Land Surveyor to confirm the accuracy of the final plat, if agreed to by the Town Administrator. If errors are found which make the plat non-recordable, the costs shall be charged to the subdivider, and the plat shall not be recommended for approval until such errors have been corrected.

- (9) If the Planning Board approves the final plat, it shall transmit all copies of the plat and its written recommendations to the Town Council through the Administrator.
- (10) If the Planning Board recommends conditional approval of the final plat with modifications to bring the plat into compliance, it shall retain one (1) print of the plat for its minutes, return its written recommendation and two (2) reproducible copies of the plat to the subdivider, and transmit one (1) print of the plat and its written recommendation to the Town Council through the Administrator.
- (11) If the Planning Board disapproves the final plat, it shall instruct the subdivider concerning resubmission of a revised plat, and the subdivider may make such changes as will bring the plat into compliance with the provisions of this Ordinance and resubmit same for reconsideration by the Planning Board, or appeal the decision to the Town Council.
- (12) Failure of the Planning Board to make a written recommendation within forty-five (45) days shall constitute grounds for the subdivider to apply to the Town Council for approval.
- (13) If the Planning Board recommends approval or conditional approval with modifications to bring the plat into compliance, or the subdivider appeals to the Town Council, the Town Council shall review and approve or disapprove the final plat within forty-five (45) days after the plat and recommendations of the Planning Board have been received by the Administrator.
- (14) Property Owners Association Covenants Review. Prior to approval of any final plat for a major subdivision, including private street subdivisions, the UDO Administrator shall review the proposed covenants of the Property Owners Association to ensure compliance with town requirements. The covenants shall include provisions for the ownership and maintenance of private streets and utilities serving the subdivision. The UDO Administrator shall refer the covenants to the Town Attorney for review. The covenants shall be submitted to the Town Council for approval prior to recording of the final plat. *(Amended 8/3/2015)*
- (15) If the property is located in the Watershed Protection Overlay District, the following certification shall be shown on each copy of the plat:

Certificate of Approval for Recording (Watershed Protection Overlay). I certify that the plat shown hereon complies with Article 25, Water Supply Watershed Protection Regulations and is approved by the Board of Adjustment for recording in the Register of Deeds office.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrator

NOTE: This property is located within a Public Water Supply Watershed - development restrictions may apply. (Amended 6/5/2017)

- (E) If the Town Council approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

Certificate of Approval for Recording. I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Pembroke, North Carolina, and that this plat has been approved by the Town Council for recording in the Office of the Register of Deeds of Robeson County.

\_\_\_\_\_

Date

\_\_\_\_\_

Mayor  
Pembroke, North Carolina

- (1) If the final plat is disapproved by the Town Council, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plat does not comply. One (1) copy of such reasons and one (1) copy of the plat shall be retained by the Town Council as part of its proceedings; one (1) copy of the reasons and three (3) copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Planning Board and Town Council.
- (2) If the final plat is approved by the Town Council, the original tracing and one (1) print of the plat shall be retained by the subdivider. One (1) reproducible tracing and one (1) print shall be filed with the Town Clerk, and one (1) print shall be returned to the Town Council for its records.
- (3) The subdivider shall file the approved final plat with the Register of Deeds of Robeson County within thirty (30) days of the Town Council's approval; otherwise, such approval shall be null and void.
- (4) Effect of Plat Approval on Dedications. The approval of a plat shall not be deemed to constitute or effect the acceptance by the town of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the Town Council may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines or other public purposes when the lands or facilities are located within its planning and development regulation jurisdiction. Acceptance of dedication of lands or facilities within the planning and development regulation jurisdiction but outside the corporate limits of the town shall not place on the town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the town shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits. Unless the town shall have agreed to begin operation and maintenance of the water system or water system facilities within one year of the

time of issuance of a certificate of occupancy for the first unit of housing in the subdivision, the town shall not, as part of its subdivision regulation applied to facilities or land outside the corporate limits of the town, require dedication of water systems or facilities as a condition for subdivision approval. (*Amended 8/3/2015, 8/2/2021*)

**Section 24-16: Information to be Contained in or Depicted on Major Preliminary and All Final Plats**

The preliminary and final plats shall depict or contain at a minimum the information indicated in the following table. An “x” indicates that the information is required. (*Amended 9/2/2014*)

<i>Information</i>	<i>Preliminary Plat</i>	<i>Final Plat</i>
Title Block Containing: -Property Designation -Name of Owner -Location (including Township, county, and state) -Date or dates survey was conducted and plat prepared -A scale of drawing in feet per inch listed in words or figures -A bar graph -Name, address, registration number, and seal of the Registered Land Surveyor	x x x x x x x	x x x x x x x
The name of the subdivider	x	x
A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area. Scale: 1" = 400'	x	
Corporate limits, Township boundaries, ETJ boundary, 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, landscape architects, and professional engineers responsible for the subdivision	x	x
The registration numbers and seals of the professional engineers	x	x
Date of plat preparation	x	x
North arrow and orientation	x	x
The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown	x	
The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands		X
The names of owners of adjoining property	x	
The names of any adjoining subdivisions of record or proposed and under review	x	
Building line minimum (setbacks) per lot	x	x

<i>Information</i>	<i>Preliminary Plat</i>	<i>Final Plat</i>
The zoning classifications of the tract to be subdivided and adjoining properties	x	
Existing property lines on the tract to be subdivided and on adjoining properties	x	
Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining	x	
Proposed lot lines, lot and block numbers, and approximate dimensions	x	x
The lots numbered consecutively throughout the subdivision		x
Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, wetland areas, and any other natural features affecting the site	x	
The exact location of the flood hazard, floodway, and floodway fringe areas from the Robeson County Official Flood Insurance Map	x	x
The following data concerning streets:		
-Proposed public streets	x	x
-Existing and platted streets on adjoining properties and in the proposed subdivision Thoroughfare plan road as approved in Thoroughfare Plan for Town	x	x
-Rights-of-way, location, and dimensions in accordance with Part IV of this Article	x	x
-Pavement widths	x	1
-Approximate grades	x	1
-Design engineering data for all corners and curves	x	
-Typical street cross-sections	x	1
-Street names	x	x
-Type of street dedication; all streets must be designated either "public" or "private." The subdivider must submit all public street plans to the Administrator for approval prior to preliminary plat approval. Where public streets are involved which will not be dedicated to the Town of Pembroke, the subdivider must submit the following documents to the NC Department of Transportation District Highway Office for review: a complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; the District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist; typical section indicating the pavement design and width and the slopes, widths, and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage areas	x	x

<i>Information</i>	<i>Preliminary Plat</i>	<i>Final Plat</i>
-Where streets are dedicated to the public, but not accepted into the Town of Pembroke system or the state system before lots are sold, a statement explaining the status of the street in accordance with Part IV of this Article		x
-If any street is proposed to intersect with a state-maintained road, the subdivider shall apply for driveway approval as required by the North Carolina Department of Transportation, Division of Highways' Manual on Driveway Regulations. Evidence that the subdivider has obtained such approval	x	
The location and dimension of all of the following:		
-Utility and other easements	x	
-Riding trails	x	
-Natural buffers	x	
-Pedestrian or bicycle paths	x	
-Parks and recreation areas with specific type indicated	x	
-Areas to be dedicated to or reserved for public use	x	x
-Areas to be used for purposes other than residential with the zoning classification of each stated	x	x
-The future ownership (dedication or reservation for public use to governmental body, for owners to duly constituted homeowners' association, or for tenants remaining in subdivider's ownership) of recreation and open space lands	x	x
The plans for utility layouts including: -Sanitary sewers -Storm sewers -Other drainage facilities, if any -Water distribution lines -Natural gas lines -Telephone lines -Electric lines illustrating connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains, and gate valves	x x x x x x x	1
Plans for individual water supply and sewage disposal systems, if any	x	
-Profiles based upon Mean Sea Level datum for sanitary sewers and storm sewers	x	
Site calculations including:		
-Acreage in total tract to be subdivided	x	
-Acreage in parks and recreation and open space areas and other nonresidential areas	x	
-Total number of parcels created	x	
-Acreage in the smallest lot in the subdivision	x	

<i>Information</i>	<i>Preliminary Plat</i>	<i>Final Plat</i>
-Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distance for the center line of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute		x
-The accurate locations and descriptions of all monuments, markers, and control points		x
-A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas or open space areas are established	x	x
-Where land disturbing activity is an acre or more in size, a copy of the erosion control plan submitted to the appropriate office of the North Carolina Department of Environment and Natural Resources, which complies with NCGS 113A, Article 4 (Sedimentation Pollution Control Act of 1973). Evidence of approval must be provided prior to submittal of a final plat for approval	x	
-Topographic maps with contour intervals of no greater than five (5) feet at a scale of no less than one (1) inch equals four hundred (400) feet	x	
-404 wetland areas as determined by the Wilmington District office of the U.S. Army Corps of Engineers	x	x
-All certifications required in Section 24-15		x
-Any other information considered by either the subdivider, the Planning Board, or Town Council, to be pertinent to the review of the plat	x	x
-All mapping shall comply with G.S. 47-30	x	x
-Developers must provide a digitized database.		x
Soil and Stormwater requirements as per Town Standards	x	

<sup>1</sup>Required on final plat only for minor subdivisions.

**Section 24-17: Recombination of Land**

- (A) Any plat or any part of any plat may be nullified by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.
- (B) Such an instrument shall be approved by the same agencies as approved the final plat. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.

- (C) Such an instrument shall be executed, acknowledged or approved, and recorded and filed in the same manner as a final plat; and being duly recorded or filed, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
- (D) When lots have been sold, the plat may be nullified in the manner provided in Sections (A) through (C) above, by all owners of the lots in such plat joining in the execution of such writing.

**Section 24-18: Resubdivision Procedures**

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

**Section 24-19: Through Lots**

Following adoption of this Ordinance, the subdivision of through lots is prohibited between two (2) public streets.

**Section 24-20: Presale/Transfer of Lots (Amended 6/5/2017)**

- (A) Transfer of Lots in Unapproved Subdivision Plats. Any person who, being the owner or agent of the owner of any land located within the planning and development regulation jurisdiction of the town, thereafter subdivides his land in violation of the regulation or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such regulation and recorded in the office of the Robeson County Register of Deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance. Building permits required pursuant to NCGS 160D-1108 may be denied for lots that have been illegally subdivided. In addition to other remedies, the town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct. (Amended 8/2/2021)
- (B) Presale of Lots. Pre-sale and pre-lease contracts are allowed only after a preliminary plat has been approved. The closing and final conveyance of lots subject to pre-sale and pre-lease contracts may not occur until after the final plat is approved and recorded. The buyer shall:
  - (1) Be provided a copy of the preliminary plat at the time the contract is executed;
  - (2) Be notified that no final plat has been approved;



- (3) Be advised that there is no guarantee that changes will not be made to the plat before final approval;
  - (4) Be provided a copy of the final plat before final approval by the City; and
  - (5) Be informed that the contract or lease may be terminated by the buyer/lessee if the final plat differs in any material way from the preliminary plat.
- (C) The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision regulation or recorded with the Robeson County Register of Deeds, provided the contract does all of the following:
- (1) Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
  - (2) Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.
  - (3) Provides that if the approved and recorded final plat does to differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.
  - (4) Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price. *(Amended 8/2/2021)*
- (D) The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the subdivision regulation or recorded with the Robeson County Register of Deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no

conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision regulation and recorded with the Robeson County Register of Deeds. *(Amended 8/2/2021)*

**Section 24-21: Procedure for Plat Recordation** *(Amended 1/4/2016)*

After the effective date of this Ordinance, no subdivision plat of land within the town's jurisdiction shall be filed or recorded until it has been submitted to and approved by the appropriate agencies, and until this approval is entered in writing on the face of the plat by the chairperson or head of that agency. All publicly dedicated improvements must be accepted by the Town Council contingent upon final plat recordation or acceptance of an approved performance bond.

A plat shall not be filed or recorded by the Robeson County Register of Deeds of any subdivision located within the town's jurisdiction that has not been approved in accordance with this Ordinance, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with the requirements of this Ordinance.

**Section 24-22: Issuance of Permits and Conveyance of Subdivision Lots**

Development permits and building permits may be issued by the Town of Pembroke for the erection of any building on any lot within a proposed subdivision prior to the final plat of said subdivision being approved in a manner as prescribed by this Ordinance and recorded at the Register of Deeds office, provided an improvements permit has been issued by the Robeson County Health Department, if required. **A certificate of occupancy may not be issued until the final plat has been approved and recorded.** *(Amended 1/4/2016, 8/2/2021)*

**Section 24-22a: Notice of New Subdivision Fees and Fee Increases; Public Comment Period**

(A) The Town of Pembroke shall provide notice to interested parties of the imposition of or increase in fees or charges applicable solely to the construction of development subject to this UDO at least seven (7) days prior to the first Town Council meeting where the imposition of or increase in the fees or charges is on the agenda for consideration. The town shall employ at least two of the following means of communication in order to provide the notice required by this section:

- (1) Notice of the meeting in a prominent location on the Town of Pembroke website.
- (2) Notice of the meeting in a prominent physical location, including, but not limited to, any town building, library, or courthouse within the planning and development regulation jurisdiction of the Town of Pembroke.
- (3) Notice of the meeting by electronic mail or other reasonable means to a list of interested parties that is created by the Town of Pembroke for the purpose of notification as required by this section.

- (B) During the consideration of the imposition of or increase in fees or charges as provided in subsection (A), the Town of Pembroke shall permit a period of public comment.
  
- (C) This section shall not apply if the imposition of or increase in fees or charges is contained in a budget filed in accordance with the requirements of NCGS 159-12.  
*(Amended 8/2/2021)*

**PART III. DESIGN STANDARDS FOR RECREATION AREAS**

**Section 24-23: Recreation Areas**

Every person or corporation who subdivides ten (10) acres or more of land for residential purposes shall be required to dedicate a portion of such land, as set forth in this section for the purpose of providing open space sites, recreation areas, or parks to serve future residents of the neighborhood within which the subdivision is located. As an alternative to the public dedication of such land and with approval of the Town Council, the subdivider may:

- (A) Dedicate such land to a homeowners' association or other nonprofit ownership; provided, the provisions listed in Section 24-23 of this Article are made;
- (B) Make provision for an equitable amount of land in another location plus improvements; and
- (C) Pay to the Town a fee in lieu of dedication. The payment in lieu of dedication shall be equal to the appraised value of the required acreage of land within the subdivision based on an appraisal prepared by a licensed appraiser and submitted by the developer. If the Town disagrees with the submitted appraisal, it may have a second appraisal prepared. If the appraisals are within fifteen percent (15%) of each other, the developer's appraisal will be utilized to establish value. If the appraisals differ by more than fifteen percent (15%), the value will be based on the average of the two appraisals.

**Section 24-24: Amount of Land**

The amount of land required to be dedicated by a subdivider or developer shall be based upon the most recent U.S. Bureau of Census figures for an average size family for the Town and a minimum park and recreation factor of eight (8) acres per one thousand (1,000) persons. The actual amount of land to be reserved shall be determined by the following formula:

$$\begin{array}{rclclcl} \text{Total number} & & \text{Average size} & & \text{.008 acres per} & & \text{Amount} \\ \text{of dwelling} & \times & \text{of family} & \times & \text{person} & = & \text{(average)} \\ \text{units or lots} & & & & & & \text{reservation} \end{array}$$

**Section 24-25: Suitability Requirements**

Criteria for evaluating suitability of proposed recreation, park and open space areas shall include but not be limited to the following, as determined by the Town Council after recommendations of the Planning Board:

- (A) Unity. The dedicated land shall form a single parcel of land, except where the Planning Board determines that two (2) parcels or more would be in the public interest. The Planning Board may also determine that a connecting corridor of open space is in the public interest, in which case the path shall not be less than thirty (30) feet wide for the purpose of accommodating a path or trail.
- (B) Shape, Topography and Subsoils. The shape, topography and subsoils of the dedicated parcel or parcels of land shall be such as to be usable for active recreation (play areas, ballfields, tennis courts or similar recreation uses).
- (C) Location. The dedicated or reserved recreation or park land shall be located so as to reasonably serve the recreation needs of the subdivision for which the dedication was made.
- (D) Accessibility. Public access to the dedicated land shall be provided either by an abutting street or public easement. Such easement shall be not less than thirty (30) feet wide.
- (E) Usability. The dedicated land shall be usable for recreation. Lakes may not be included in computing dedicated land area unless acceptable to the Planning Board. Where the Planning Board determines that recreation needs are being adequately met, either by other dedicated parcels or existing recreation facilities, then land that is not used for recreation may be dedicated as open space.
- (F) Plans. Municipal and county plans shall be taken into consideration when evaluating land proposals for dedication.
- (G) Vegetative Cover. The vegetative cover, if feasible, shall be sufficient to lend attractiveness to the land parcel, protection from the sun's rays and suitability for a variety of a nature related recreation opportunities.

**Section 24-26: Homeowners Association or Nonprofit Organizations**

Where park or recreation space is deeded to a homeowners association or any nonprofit ownership in lieu of public dedication or fee payment, the subdivider or owner shall record a declaration of covenants and restrictions that will govern the open space of the association or nonprofit organization. This shall be submitted with the application for preliminary plat approval. Provisions shall include but not be limited to the following:

- (A) The homeowner's association shall be established before recording final plat.

- (B) Membership shall be mandatory for each home buyer and all successive buyers.
- (C) The association shall be responsible for the liability insurance, local taxes, and the maintenance of recreation and other facilities.
- (D) Any sums levied by this association that remain unpaid shall become a lien on the individual homeowner's property which shall be subordinate only to tax and mortgage liens.
- (E) If all or any portion of property held by the association is being disposed of, or if the association is dissolved, adequate open space shall be deeded to the Town with Town Council approval to satisfy the requirements for public recreation facilities under this Section.

**Section 24-27: Limitations**

Nothing herein shall be construed to limit the amount of privately controlled open-space land which may be included under an agreement, over and above the recreation and park site obligation.

**Section 24-28: Adjustments**

Notwithstanding provisions of this section to the contrary, the Town Council may, in cases of an unusual or exceptional nature, allow adjustments in the dedication regulations established in and required by this section. Such adjustments shall be reviewed by the Planning Board before the action by the Town Council.

## **PART IV. STREETS**

### **Section 24-29: Coordination and Continuation of Streets**

The proposed street layout within a subdivision shall be coordinated with the existing street system of the surrounding area, and where possible, existing principal streets shall be extended.

### **Section 24-30: Street Connectivity Requirements**

- (A) An interconnected street system is necessary in order to protect the public health, safety, and welfare in order to ensure that streets will function in an interdependent manner, to provide adequate access for emergency and service vehicles, to enhance nonvehicular travel such as pedestrians and bicycles, and to provide continuous and comprehensible traffic routes. All proposed new streets shall be platted according to the current Town Thoroughfare Plan.
- (B) All proposed streets shall be continuous and connect to existing or platted streets without offset with the exception of cul-de-sacs as permitted and except as provided below. Whenever practicable, provisions shall be made for the continuation of planned streets into adjoining areas.
- (C) The street network for any subdivision shall achieve a connectivity ratio of not less than 1.40 (see example in Figure 2). The phrase “connectivity ratio” means the number of streets links divided by the number of nodes or link ends, including cul-de-sac heads. A “link” means and refers to that portion of a street defined by a node at each end or at one end. Approved stubs to adjacent property shall be considered links. However, alleys shall not be considered links. A “node” refers to the terminus of a street or the intersection of two (2) or more streets, except that intersections that use a roundabout shall not be counted as a node. For the purposes of this section, an intersection shall be defined as:
  - (1) Any curve or bend of a street that fails to meet the minimum curve radius as established in the second table of Sections 24-43 and 24-44, or
  - (2) Any location where street names change (as reviewed and approved by the Administrator).
- (D) For the purposes of this section, the street links and nodes within the collector or thoroughfare streets providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.
- (E) Residential streets shall be designed so as to minimize the length of local streets, to provide safe access to residences with minimal need for steep driveways and to maintain connectivity between and through residential neighborhoods for autos and pedestrians.
- (F) Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way, and improvements shall be extended to the boundary of the

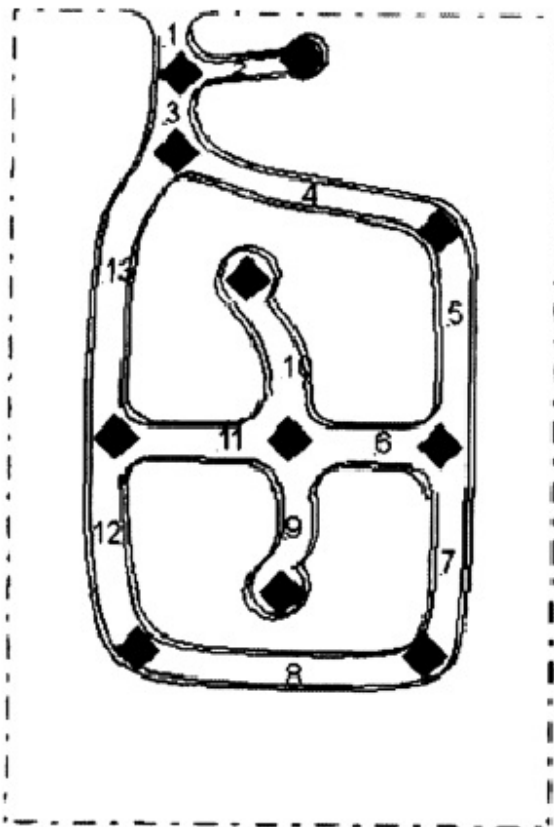
development. A temporary turnaround may be required where the dead end exceeds 500 feet in length. The platting of partial width rights-of-way shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated, or established by other means.

(G) Exemption. New subdivisions that intend to provide one new cul-de-sac street shall be exempt from the connectivity ratio standard as set forth in this section, provide the Administrator determines that there is:

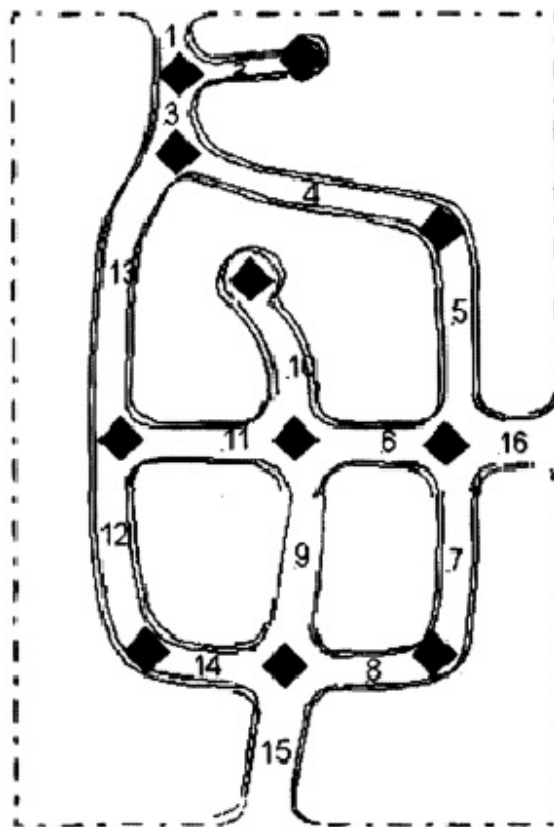
- (1) No options for providing stub streets due to topographic conditions, adjacent developed sites, or other limiting factors; and
- (2) Interconnectivity (use of a looped road) within the development cannot be achieved or is unreasonable based on the constraints of the property to be developed.

**Figure 2**

**Example 1:** Subdivision that does not meet the Ratio  
(13 links/11 nodes = 1.18 ratio)



**Example 2:** Same development modified to meet Ratio  
(16 links/11 nodes = 1.45 ratio)





**Section 24-31: Private Streets** *(Amended 8/3/2015)*

Streets designated as private may be allowed in subdivisions where the private street designation must serve the entire subdivision, not only part(s) of the subdivision and, when, in the opinion of the Town Council, they provide adequate ingress and egress onto collector streets, and they provide sufficient assurance through legally established homeowners' or similar owners' associations, deed restrictions, and/or covenants, or other maintenance agreements, that said streets shall be properly maintained and said agreements perpetually carried with the land. The Town Council shall reserve the authority, when the public welfare and safety warrant, requiring the public dedication of street rights-of-way within developments. All private streets shall be designed and constructed to meet or exceed the public street standards as specified in this section. All final plats which include private streets shall identify the streets as private streets.

This section shall apply to all subdivision plats submitted to the Town Council for approval on or after June 1, 2015.

**Section 24-32: Marginal Access Streets**

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

**Section 24-33: Subdivision Street Disclosure Statement**

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

**Section 24-34: Half-Streets**

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

**Section 24-35: Street Names**

Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided, and in no case shall the proposed name be phonetically similar to existing names irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the Town Council.

**Section 24-36: Collector and Minor Streets**

Collector and minor streets shall be so laid out that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, and other places of public assembly.

**Section 24-37: Design Standards**

The design of all streets and roads within the jurisdiction of this Ordinance shall be in accordance with the accepted policies of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals. The NC Department of Transportation, Division of Highways' Subdivision Roads, Minimum Construction Standards, January 1, 2000, or the current NC Department of Transportation standards, shall apply for any items not included in this Ordinance, or where stricter than this Ordinance.

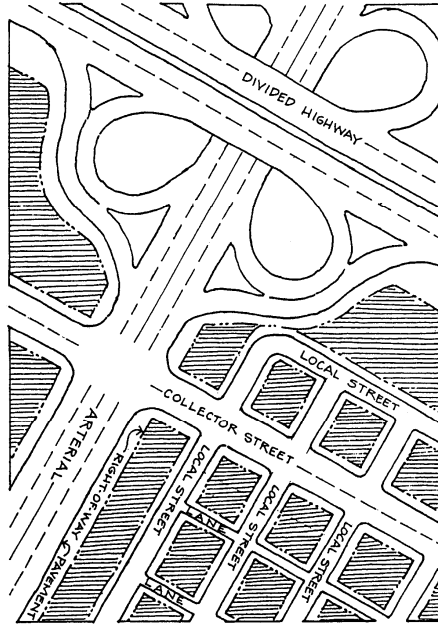
**Section 24-38: Nonresidential Streets**

The subdivider of a nonresidential subdivision shall provide streets in accordance with I.F.-4 of the North Carolina Roads, Minimum Construction Standards, January 1, 2000; or current applicable North Carolina Department of Transportation Standards; and the standards of this Ordinance, whichever are stricter in regard to each particular item.

**Section 24-39: Right-of-Way Widths**

Right-of-way widths shall not be less than the following:

	<u>Minimum Right-of-Way (ft.)</u>
Principal Arterial	
Freeways	350
Other	200
Major Collector	100
Major Thoroughfare other than Freeway and Expressway	90
Minor Thoroughfare	70
Local Street	60 (may be no less than 50 feet if approved by the Town Council due to special conditions)
Cul-de-sac	100' diameter for turnaround and 45' for street right-of-way



**Section 24-40: Pavement Widths**

Pavement widths or graded widths shall be as follows:

	<u>Streets with Curb and Gutter</u>	<u>Streets without Curb and Gutter</u>
Minor Thoroughfare	43 ft.	40 ft.
Local Road	24 ft.	20 ft.*
Marginal Access (frontage)	24 ft.	20 ft.
Cul-de-sac	24 ft.	20 ft.
Cul-de-sac turnaround	100 ft. in dia.	80 ft. in dia.

\*All streets without curb and gutter shall be provided grassed swales for drainage. Grass swales must meet or exceed minimum NCDOT design standards. Based on site conditions, swale design may be required to exceed NCDOT design standards to ensure positive drainage. *(Amended 11/4/2013)*

Pavement widths for principal arterials and major thoroughfares shall be determined in concert with the Town of Pembroke or the NC Department of Transportation standards and the current Pembroke Thoroughfare Plan.

**Section 24-41: Roads and Street Surfaces**

All public subdivision streets and roads shall be constructed and paved to meet the current requirements of the North Carolina Department of Transportation, Division of Highways' standards for state maintenance.

**Section 24-42: Tangents**

A tangent of at least one hundred (100) feet shall be provided between reverse curves on all streets.

**Section 24-43: Street Intersections**

Street intersections shall be laid out as follows:

- (A) All streets shall intersect as nearly as possible at right angles and no street shall intersect at less than sixty (60) degrees.
- (B) Intersections with a major street shall be at least one thousand (1,000) feet apart, measured from centerline to centerline.
- (C) Where a centerline offset (jog) occurs at an intersection, the distance between centerline of the intersecting streets shall be not less than two hundred (200) feet.
- (D) Property lines at intersections should be set so that the distance from the edge of pavement of the street turnout to the property line will be at least as great as the distance from the edge of pavement to the property line along the intersecting streets. The property line can be established as a radius or as a sight triangle. Greater offsets from the edge of pavement to the property lines will be required, if necessary, to provide sight distance for the vehicle on the side street.

**Section 24-44: Alleys**

- (A) Alleys shall be required to serve lots used for commercial and industrial purposes except that this requirement may be waived where other definite and assured provision is made for service access. Alleys shall not be provided in residential subdivision unless necessitated by unusual circumstances and approved by the Planning Board and Town Council.
- (B) All alleys shall be designed in accordance with the Department of Transportation, Division of Highways' specifications and standards and shall meet the following requirements:

Right-of-way width	20 feet
Property line radius at alley intersection	15 feet
Minimum centerline radius when deflection angle of not more than 10 degrees occurs	35 feet
Minimum turnaround diameter of dead-end alley (right-of-way width)	80 feet

- (C) Sharp changes in alignment and grade shall be avoided.
- (D) All alleys shall be designed in accordance with NC Department of Transportation Standards.

**Section 24-45: Geometric Characteristics**

The standards outlined below shall apply to all subdivision streets proposed for addition to the State Highway System or Municipal Street System. In cases where a subdivision is sought adjacent to a proposed thoroughfare corridor, the requirements of dedication and reservation discussed under Right-of-Way shall apply.

(A) Design Speed. The design speeds for subdivision-type streets shall be:

	<u>Desirable (mph)</u>	<u>Minimum (mph)</u>
<u>Urban</u>		
Minor Thoroughfares	60	50
Local Streets	40	40

(B) Desirable and Minimum Grades. The desirable/minimum for subdivision type streets grades in percent shall be:

	<u>60 Desirable</u> (50 Minimum)	<u>40 Desirable</u> (40 Minimum)
Type of Topography		
Flat-NCDOT Divisions	3	5
1, 2, 3, 4, and 5	(4)	(5)

The minimum grade in no case shall be less than one half percent (0.5%). Grades for one hundred (100) feet each way from intersections should not exceed five percent (5%).

**Section 24-46: Minimum Sight Distances**

In the interest of public safety, the minimum sight distance applicable shall be provided in every instance. Vertical curves that connect each change in grade shall be provided and calculated using the following parameters. (General practice calls for vertical curves to be multiples of fifty (50) feet. Calculated lengths should be rounded up in each case.)

<u>Design Speed, MPH</u>	<u>20</u>	<u>30</u>	<u>40</u>	<u>50</u>	<u>60</u>
Stopping Sight Distance					
Min. Stopping Distance, Ft.	150	200	275	350	475
Des. Stopping Distance, Ft.	150	200	300	450	650
Minimum K* Value For:					
Min. Crest Vert. Curve	16	28	55	85	160
Des. Crest Vert. Curve	16	28	65	145	300
Min. SAG Vert. Curve	24	35	55	75	105
Des. SAG Vert. Curve	24	35	60	100	155
Passing Sight Distance					

<u>Design Speed, MPH</u>	<u>20</u>	<u>30</u>	<u>40</u>	<u>50</u>	<u>60</u>
Min. Passing Distance, Ft. (2 lane)		1100	1500	1800	2100
Min. K* Value for Crest Vert. Curve		365	686	985	1340

K\* is a coefficient by which the algebraic difference in grade may be multiplied to determine the length in feet of the vertical curve which will provide minimum sight distance.

Sight distance provided for stopped vehicles at intersections should be in accordance with Article 9 of this Ordinance.

**Section 24-47: Design Speeds**

The following table shows the maximum degree of curve and related maximum superelevation for design speeds. The maximum rate of roadway superelevation (e) for roads with no curb and gutter is .08. The maximum rate of superelevation for streets with curb and gutter is .06, and .04 being desirable.

Design Speed MPH	Maximum e*	Minimum Radius (Rounded) Feet	Maximum Degree of Curve (Rounded) Degrees
20	.04	125	45.00
30	.04	302	19.00
40	.04	573	10.00
50	.04	955	6.00
60	.04	1528	3.45
20	.06	115	50.00
30	.06	273	21.00
40	.06	509	11.15
50	.06	844	6.45
60	.06	1380	4.15
20	.08	110	53.50
30	.08	252	22.45
40	.08	468	12.15
50	.08	764	7.30
60	.08	1206	4.45

\*Maximum rate of roadway superelevation, foot per foot.

**Section 24-48: Cul-de-Sacs**

Cul-de-sacs shall not exceed 750 feet in length.

**Section 24-49: PRD Streets (Amended 8/2/2021)**

- (A) A dense network of narrow streets with reduced curb radii may be fundamental to sound design. This network serves to both slow and disperse vehicular traffic and provide a pedestrian friendly atmosphere. Such alternate guidelines are encouraged in PRDs when the overall design ensures that non-vehicular travel is to be afforded every practical accommodation that does not adversely affect safety considerations. The overall function, comfort, and safety of a multi-purpose or “shared” street are more important than its vehicular efficiency alone.
- (B) PRDs should have a high proportion of interconnected streets, sidewalks, and paths. Streets and rights-of-ways are shared between vehicles (moving and parked), bicycles, and pedestrians. A dense network of PRD streets will function in an interdependent manner, providing continuous routes that enhance non-vehicular travel. Most PRD streets should be designed to minimize through traffic by the design of the street and the location of land uses. Streets should be designed to only be as wide as needed to accommodate the usual vehicular mix for that street while providing adequate access for moving vans, garbage trucks, fire engines, and school buses (see Appendix I).

**Section 24-50: Materials**

- (A) Portland cement concrete for curb and gutter, driveways, and sidewalks shall have a minimum 28 compressive strength of 3,000 psi, a nonvibrated slump between 2.5 and 4 inches, a minimum cement of 564 pounds per cubic yard, an air entrainment of 5% through 7%, and a maximum water-cement ratio of 0.532.
- (B) Joint filler shall be a nonextruding joint material conforming to ASTM C1751.
- (C) Concrete curing agents shall be free from any impurities which may be detrimental to the concrete and meet Section 926 of the NCDOT Standard Specifications for Roadways and Structures.
- (D) Aggregate for portland cement concrete shall meet the requirements for fine and course aggregate of Section 914 of the NCDOT Standard Specifications for Roadways and Structures.
- (E) Portland cement and admixtures shall meet the requirements of Section 924 of the NCDOT Standard Specifications for Roadways and Structures.
- (F) Water for mixing or curing the concrete shall be free from injurious amounts of oil, salt, acid or other products injurious to the finished product.

- (G) Aggregate base course shall consist of an approved coarse aggregate produced in accordance with the requirements indicated in Section 910 for either Type A, B, or C aggregate as described in the NCDOT Standard Specifications for Roadways and Structures.
- (H) Bituminous surface course, Type I-2, shall consist of a mixture of coarse and fine aggregates, asphalt cement, and shall meet the requirements in Section 645 of the NCDOT Standard Specifications for Roadways and Structures.
- (I) Bituminous concrete base course, Type HB, shall conform to the general, material and construction specifications as specified in Section 610 and Section 630 of the NCDOT Standard Specifications for Roadways and Structures.
- (J) Bituminous concrete binder course Type H, shall conform to the general, material and construction specifications as specified in Section 610 of the NCDOT Standard Specifications for Roadways and Structures.
- (K) Tack coat shall be asphalt or asphalt cement and shall meet the general, material and construction specifications as specified in Section 605 of the NCDOT Standard Specifications for Roadways and Structures.
- (L) Concrete pavement shall meet Section 700 of the NCDOT Standard Specifications for Roadways and Structures.
- (M) Concrete pavers may be used on privately maintained streets in accordance with Standard Detail 1.04 as set forth in Appendix II, or on areas of Town maintained streets as approved by the Town Council or the Town's duly authorized representative.
- (N) Brick pavers may be used on privately maintained streets in accordance with Standard Detail 1.04 as set forth in Appendix II, or on areas of Town maintained streets as approved by the Town Council or the Town's duly authorized representative.

**Section 24-51: Earthwork**

- (A) Earthwork shall be defined as removal of earth or soft rock from its natural location or as the depositing of such material into the proper fill areas as designated on the plans.
- (B) Rock excavation shall be defined, in the opinion of the Public Works Director, as all ledge rock or boulders of 0.5 cubic yard that cannot be excavated without blasting.
- (C) A written permit for blasting must be obtained from the Town and coordinated with the local fire department, a minimum of 48 hours before any explosive material or blasting agents are transported into the corporate limits of the Town.
- (D) Backfill material shall be free from construction material, debris, frozen material, organic matter or unstable material. For the top two (2) feet below finished subgrade, no fill



material shall be used weighing less than one hundred (100) pounds per cubic foot. The top two (2) feet of backfill material shall be free from stones greater than four (4) inches.

- (E) The top six (6) inches of subbase, and the entire base course shall be compacted to a density of 100% maximum dry density as determined by AASHTO method T99. For that portion of backfill under roadways and extending at a slope on one to one beyond the back of curb, compact to a density of no less than ninety percent (90%) of the maximum dry density as determined by AASHTO method T99. Backfill material shall be placed in lifts of twelve (12) inches or less of uncompacted soil.
- (F) Other fill material shall be compacted to a density of no less than ninety percent (90%) of the maximum dry density as determined by AASHTO method T99. Backfill material shall be placed in lifts of twelve (12) inches or less of uncompacted soil.

**Section 24-52: Construction and Inspection**

- (A) General Requirements. No construction shall be conducted until the following applicable items have been obtained: all grading permits, NCDOT encroachment agreements, performance bonds, and Town plan approval.
- (B) Streets.
  - (1) No base material shall be placed on a roadway until the storm sewer, subgrade, utilities, and all appurtenances have been inspected and meet the Town standard specifications.
  - (2) The Inspector may require a proctor analysis of the subgrade soils from a certified soils laboratory. The soils laboratory shall submit sufficient proctors to allow the Director of Public Works to determine the density of different soils used in the street. The Inspector may also require a proctor analysis of the ABC used and a asphalt mix formula before either is inspected or approved.
  - (3) The subgrade shall be compacted as described in Section 24-48(E). The inspection of the subgrade prior to placement of base course, and the inspection of the base course prior to placement of asphalt, shall be performed by proof rolling at the direction of the Inspector.
- (C) Curb and Gutter, Driveways, and Sidewalks.
  - (1) No concrete shall be placed until the forms and subgrades have been approved by the Inspector.
  - (2) The surface of sidewalks shall be finished to grade and cross-sectioned with a float, troweled smooth and finished with a broom.

- (3) Subgrade shall be excavated to the required depth, and shaped to the proper cross-section. Where tree roots are encountered, they shall be removed to a depth of one foot for the full width of the excavation. The subgrade shall be stable and thoroughly compacted.
- (4) Forms shall be set and maintained true to the required lines, grades and dimensions. Forms shall be constructed with material of such strength and rigidity to prevent any appreciable deflection between supports. Straight forms shall be within a tolerance of one-half-inch in ten feet from a true line horizontally or vertically. Forms shall be thoroughly cleaned of all dirt, mortar and foreign material before being used. All inside form surfaces shall be thoroughly coated with commercial quality form oil.
- (5) Grooved contraction joints shall be cut to a depth equal to at least one-third of the total slab thickness. The joint shall be no less than one-eighth-inch in width of the sidewalk. A one-half-inch expansion joint filled with joint filler shall be placed between all rigid objects and placed no farther than fifty (50) feet apart for sidewalks and curb and gutter, extending the full depth of the concrete with top of the filler one-half-inch below the finished surface.

## **PART IV. UTILITIES**

### **Section 24-53: Water and Sewerage Systems**

- (A) When available, the subdivider shall connect to the water and sewerage systems owned and operated by the Town. For all residential and commercial development, the Town may require that the developer install lines larger than required by the development in order to support future growth. The Town will pay the difference between the required utilities and the upsized lines.
- (B) Where public or community water supply and/or sewerage systems are not available or to be provided, a written statement from the County Health Department shall be submitted with the preliminary plat indicating that each lot has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply and sewage disposal. The statement from the County Health Department shall be based upon a field investigation. The field investigation for sewage disposal shall include a sufficient number of percolation tests (at least one per acre) to determine absorption capacity of the soil and test holes at least six (6) feet deep (as needed) to determine the depth to the ground water table, and the presence of rock formations or other impervious strata.
- (C) All utilities shall be installed per Town requirements at the direction of the Public Utilities Director.

### **Section 24-54: Electric Power**

Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

- (A) If the use is not a subdivision and is located on a lot that is served by an existing power line and the use can be served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is needed.
- (B) If the use is a subdivision or is not located on a lot served by an existing power line or a substantial internal distribution system will be necessary, then the electric utility service provider must review the proposed plans and certify to the Town that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

**Section 24-55: Telephone Service**

Every principal use and every lot within a subdivision must have available to it a telephone service cable adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

- (A) If the use is not a subdivision and is located on a lot that is served by an existing telephone line and the use can be served by a simple connection to such line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is necessary.
- (B) If the use is a subdivision or is not located on a lot served by an existing telephone line or a substantial internal distribution system will be necessary, then the telephone utility company must review the proposed plans and certify to the Town that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

**Section 24-56: Underground Utilities**

- (A) All electric power lines (not to include transformers or enclosures containing electrical equipment including, but not limited to, switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, and cable television lines in subdivisions constructed after the effective date of this Ordinance shall be placed underground in accordance with the specifications and policies of the respective utility service providers and the Town of Pembroke.
- (B) Whenever an unsubdivided development is hereafter constructed on a lot that is undeveloped on the effective date of this Ordinance, than all electric power, telephone, gas distribution, and cable television lines installed to serve the development that are located on the development site outside of a previously existing public street right-of-way shall be placed underground in accordance with the specifications and policies of the respective utility service providers and the Town of Pembroke.

**Section 24-57: Utilities to be Consistent with Internal and External Development**

- (A) Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities (i.e., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.
- (B) All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

**Section 24-58: As-Built Drawings Required**

Whenever a developer installs or causes to be installed any utility line in any public right-of-way, the developer shall, as soon as practicable after installation is complete, and before acceptance of any water or sewer line, furnish the Town with a copy of a drawing that shows the exact location of such utility lines. Such drawings must be verified as accurate by the utility service provider. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development. All utilities located within a right-of-way must be dedicated and accepted by the Pembroke Town Council.