



TEXT AMENDMENT REQUEST FORM (Internal)

Development Services
420 McKinney Pkwy.

P.O. Box 65, Lillington, NC 27546

Phone: (910) 893-7525 Fax: (910) 893-2793

Case: PLAN2610-0002

Staff: Sarah Arbour, Long Range Planner, sarbour@harnett.org 910-814-6414

Planning Board: November 2, 2026 County Commissioners: November 16, 2026

Applicant Information

Applicant:

Name: Harnett County Development Services
Address: 420 McKinney Pkwy.
City/State/Zip: Lillington, NC 27546
Phone: 910-893-7525, x2

Type of Change

☒ New Addition ☒ Revision

Unified Development

Ordinance: Ordinance Article: VII. Sections: 5.6; 8.0

Current Text:

ARTICLE VII. DEVELOPMENT DESIGN GUIDELINES

SECTION 5.0 Easements

5.6 Off-Site Septic Easements

In cases where suitable soils are not available for the establishment of on-site septic system and repair area, off-site septic easements shall be permitted according to the following requirements.

5.6.1 General Off-Site Septic Usage Requirements

- A. Prior to approval of an off-site septic easement, applicants shall attempt to adjust lot lines or recombine parcels to acquire adequate, suitable soils for an on-site septic system.
- B. All septic systems, septic lines, and repair areas shall be designed by a Professional Engineer or Licensed Soil Scientist, both of which shall be licensed in North Carolina.
- C. Any lots for which an off-site septic system is either used or located shall be identified on the Deed of Record.

5.6.2 Major Subdivisions

- A. Individual off-site septic systems shall be limited based upon the number of lots on the approved preliminary subdivision plat. No more than ten percent (10%) of the total lots shall utilize off-site septic systems. In cases where the number of lots changes, the number of allowable off-site septic systems shall be adjusted accordingly.
- B. Off-site septic easements shall be contained only within common, unimproved open space of the subdivision.
- C. Such common open spaces areas shall have a minimum of one (1) access easement to allow for utilization by all owners of property within the subdivision. Access easements shall be a minimum of 12 feet in width and shall include an identification sign.
- D. All off-site septic easements shall be separate and distinct from one (1) another and shall be of sufficient size to

accommodate the total area required by the Harnett County Department of Public Health, plus any additional area necessary to allow vehicular movement for repair or expansion purposes in case of future system failure.

- E. All supply line systems shall be installed by a professional licensed to do said work and shall be inspected and approved the Harnett County Department of Public Health prior to approval and recordation of the final subdivision plat.
- F. A Declaration of Covenants and/or Homeowners' Association By-Laws shall state the following:
 - 1. All benefits and burdens of the covenants and restrictions shall be binding upon the successive owners of each parcel.
 - 2. Those lots burdened by access easements shall be explicitly identified.
 - 3. Homeowners' Association shall conduct a program of regular septic easement monitoring and site maintenance. Said program shall be published and recorded in the Harnett County Register of Deeds including a reference of the map book and page of the final subdivision plat map. The homeowner of each respective off-site septic easement shall be responsible for system maintenance and repair.

5.6.3 Minor Subdivisions

No minor subdivision shall utilize off-site septic easements.

5.6.4 Existing Lots

Regulations regarding location of off-site septic systems and easements within common open space areas shall not apply to septic system failures on existing lots.

- A. Any failure shall be determined by the Harnett County Department of Public Health or other appropriate local, State, or Federal agency.
- B. Applicant shall attempt to locate off-site septic systems on a lot immediately adjacent to the lot on which the failure occurred. Lots separated by right(s)-of-way shall not be considered immediately adjacent for the purpose of this Section.

SECTION 8.0 OPEN SPACE

8.1 General Provisions

- D. The following areas shall not be regarded as open space and shall not be counted toward open space required by this Section:
 - 1. Islands or internal planted areas required by other Sections of this Ordinance shall not be considered open space for the purposes of this Section. For example, islands in parking lots shall not count towards required open space.

Proposed Text:

ARTICLE VII. DEVELOPMENT DESIGN GUIDELINES

SECTION 5.0 Easements

5.6 Off-Site Septic Easements

In cases where suitable soils are not available for the establishment of on-site septic system and repair area, off-site septic easements shall be permitted according to the following requirements.

5.6.1 General Off-Site Septic Usage Requirements

- A. Prior to approval of an off-site septic easement, applicants shall attempt to adjust lot lines or recombine parcels to acquire adequate, suitable soils for an on-site septic system.

- B. All septic systems, septic lines, and repair areas shall be designed by a Professional Engineer or Licensed Soil Scientist, both of which shall be licensed in North Carolina.
- C. Any lots for which an off-site septic system is either used or located shall be identified on the plat and Deed of Record.

5.6.2 ~~Major~~ Minor Subdivisions

- ~~A. Individual off-site septic systems shall be limited based upon the number of lots on the approved preliminary subdivision plat. No more than ten percent (10%) of the total lots shall utilize off-site septic systems. In cases where the number of lots changes, the number of allowable off-site septic systems shall be adjusted accordingly.~~
- ~~B.~~A. Off-site septic easements shall be contained only within common, unimproved open space of the subdivision.
- ~~C.~~B. Such common open spaces areas shall have a minimum of one (1) access easement to allow for utilization by all owners of property within the subdivision. Access easements shall be a minimum of 12 feet in width and shall include an identification sign.
- ~~D.~~C. All off-site septic easements shall be separate and distinct from one (1) another and shall be of sufficient size to accommodate the total area required by the Harnett County Department of Public Health, plus any additional area necessary to allow vehicular movement for repair or expansion purposes in case of future system failure.
- ~~E.~~D. All supply line systems shall be installed by a professional licensed to do said work and shall be inspected and approved the Harnett County Department of Public Health prior to approval and recordation of the final subdivision plat.
- ~~F.~~E. For major subdivisions, a Declaration of Covenants and/or Homeowners' Association By-Laws shall state the following:
 - 1. All benefits and burdens of the covenants and restrictions shall be binding upon the successive owners of each parcel.
 - 2. Those lots burdened by access easements shall be explicitly identified.
 - 3. Homeowners' Association shall conduct a program of regular septic easement monitoring and site maintenance. Said program shall be published and recorded in the Harnett County Register of Deeds including a reference of the map book and page of the final subdivision plat map. The homeowner of each respective off-site septic easement shall be responsible for system maintenance and repair.

5.6.3 ~~Minor~~ Subdivisions

~~No minor subdivision shall utilize off-site septic easements.~~

~~5.6.4~~ 5.6.3 Existing Lots

Regulations regarding location of off-site septic systems and easements within common open space areas shall not apply to septic system failures on existing lots.

- A. Any failure shall be determined by the Harnett County Department of Public Health or other appropriate local, State, or Federal agency.
- B. Applicant shall attempt to locate off-site septic systems on a lot immediately adjacent to the lot on which the failure occurred. Lots separated by right(s)-of-way shall not be considered immediately adjacent for the purpose of this Section.

SECTION 8.0 OPEN SPACE

8.1 General Provisions

- D. The following areas shall not be regarded as open space and shall not be counted toward open space required by this Section:

- 1. Any open space designated for private underground septic lines, any part of a private sewage disposal system, or any private above-ground or below-ground septic related structure, or related easements.

2. ~~1.~~ Islands or internal planted areas required by other Sections of this Ordinance shall not be considered open space for the purposes of this Section. For example, islands in parking lots shall not count towards required open space.

Reason for Requested Change:

To amend Harnett County's U.D.O. Article VII, Section 5.0 Easements and Section 8.0 Open Space so that it is in accordance with N.C. § 130A-135(c2). The referenced N.C. § 130A-135(c2) does not allow local governments to prohibit offsite wastewater systems if such a system is approved by the Health Department.

Suggested Statement-of-Consistency: (Staff concludes that...)

The requested Text Amendment ensures the Unified Development Ordinance complies with N.C. § 130A-135(c2), which states that local governments shall not prohibit off-site wastewater disposal systems. Therefore, the Amendment to Article VII., Sections 5.6 and 8.0 of the Unified Development Ordinance is **APPROVED**.
