

1- Purpose & Applicability

1.1 Purpose

- a. This Ordinance shall officially be known, cited, and referred to as the Subdivision Regulations of the City of Archdale, North Carolina.
- b. As required by North Carolina General Statutes 160D Article 8, the purposes of establishing this Ordinance are:
 - i. To ensure the orderly growth and development of the City, including the requirement that adequate public facilities are available to serve new subdivisions of land, and the use of techniques such as the timing and sequencing of development, promotion of infill development in existing neighborhoods and non-residential areas with adequate public facilities, the assurance of urban form and open space, the protection of environmentally critical areas and rural areas from premature urban development.
 - ii. To provide for the coordination of transportation networks and utilities within proposed subdivisions with existing or planned streets and highways and with other public facilities.
 - iii. To provide for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision or for provision of funds to be used to acquire recreation areas serving residents of the development or subdivision or more than one subdivision or development within the immediate area.
 - iv. To provide rights-of-way or easements for street and utility purposes including the dedication of rights-of-way pursuant to North Carolina General Statutes 136-66.10 or 136-66.11.
 - v. To provide for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare.
 - vi. To provide that the Final Plat show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

1.2 Applicability

- a. This Ordinance shall apply to any subdivision, within the corporate limits of the City or its Extraterritorial Jurisdiction (ETJ) established pursuant to North Carolina General Statute 160D-202.
- b. Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes of this Ordinance. However, all existing Preliminary Plats that were approved under the prior Ordinance shall remain valid unless or until the approval expires.

1.3 Authority and Jurisdiction

- a. The Planning and Zoning Board is vested with the authority to review and recommend for approval, conditionally approve, and disapprove applications for Preliminary Major Subdivisions.
- b. The City Council is vested with the authority to approve, conditionally approve, and disapprove applications for Preliminary Plats for Major Subdivisions. Further, they have the authority to accept all public dedications including, but not limited to right-of-way, easements, park facilities, and open space.
- c. The Subdivision Administrator (Planning Director), or his/her designee, is vested with the authority to review and approve, approve with conditions, or deny Expedited and Exemption Plats; Final Plats for Minor Subdivisions; and Final Plats for Major Subdivisions.

- d. The City Engineer, or his/her designee is granted the authority to approve all Construction Plans, and is also granted the authority to inspect and accept or deny all improvements as required by this Ordinance.
- e. The City Manager is vested with the authority to enter into Subdivision Improvement Agreements, at his / her discretion.
- f. For the remainder of this Ordinance, “Subdivision Administrator” shall also mean “Planning Director or his/her designee”. In addition, for the remainder of this Ordinance, “Subdivision Administrator” shall be referred to as “Administrator”.
- g. For the remainder of this Ordinance, “City Engineer” shall mean “City Engineer or his/her designee”.

1.4 Conflicts of Interest

- a. A City Council member shall not vote on any decision required by this Ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- b. A Planning Board member shall not vote on any decision required by this Ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- c. No administrative staff of the City shall make a final decision on any matter required by this Ordinance where the outcome of the decision would have a direct, substantial, and readily identifiable financial impact on the staff member.
- d. No administrative staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Ordinance unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with the City to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the City, as determined by the City Council.
- e. A member of any board exercising quasi-judicial functions pursuant to this Ordinance shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

1.5 Appeals

- a. Appeals of decisions made by administrative staff or staff committee shall be heard by the Board of Adjustment pursuant to G.S. 160D-405.
- b. Appeals of decisions by the City Council shall be made to Superior Court, pursuant to G.S. 160D-1403.