

2 - General Standards

2.1 Purpose

The following section contains requirements regarding general provisions applicable to all development and subdivisions within the City of Archdale or its ETJ. It shall also contain general state statutes regarding the subdivision of land deemed “exempt”.

2.2 General Subdivision Requirements

- a. It is the intent of this Ordinance that land to be subdivided shall be of a character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities and improvements are existing or proposed, and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, and transportation facilities. Accordingly, the Administrator, Planning and Zoning Board, or City Council shall not approve a subdivision plat unless all of the following findings with respect to the proposed development are made:
 - i. The proposed land uses are in accord with the adopted Comprehensive Plan and the Official Zoning Map, or that the means for reconciling any differences have been addressed. A Preliminary Plat may be processed concurrently with a rezoning request.
 - ii. The proposed subdivision conforms to all relevant requirements of this Ordinance and to any variances that have been granted to permit any nonconformance. The plat shall meet all requirements of this Ordinance with respect to lot size and area, and in no way create a violation of any applicable current ordinances, statutes, or regulations.
 - iii. The proposed development, including its lot sizes, density, access, and circulation, are compatible with the existing and/or permissible future use of adjacent property.
 - iv. That the proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties.
 - v. That the soils and topography have been adequately studied to ensure that all lots are developable for their designated purposes.
 - vi. That any land located within the floodplain as shown on the currently adopted Flood Boundary and Floodway Maps of the Flood Insurance Study, is determined to be suitable for its intended use and that the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, or any other floodplain-related risks to the health, safety or welfare of the future residents of the proposed subdivision in a manner consistent with this Ordinance.
- b. The proposed name of a subdivision shall be approved by the Archdale Planning Department and Randolph County E-911 Coordinator and shall not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the E-911 jurisdiction except for the words "court", "addition", "place", "heights", "hills", and similar words, unless the land platted is contiguous to and platted by the same applicant that platted the existing subdivision bearing the name, or the applicant has obtained the written consent of the party who platted the subdivision bearing that name, or the Administrator requires the use of the same name for purposes of clear identification.
- c. In considering an application for a subdivision plat, the decision-making agency shall consider and may impose modifications or conditions to the extent that such modifications or conditions are necessary to ensure compliance with the criteria of this Ordinance, provided that such conditions shall be agreed to by the owner / applicant in writing prior to approval of the plat.

2.3 Subdivision Plat Submission

- a. From and after the effective date of this Ordinance (December 20, 2022) the owner (or any other person authorized to act on the owner's behalf by North Carolina General Statute 160D-403(a)) of any tract of land who desires to subdivide land (to create a "Subdivision") shall be required to submit a plat of such Subdivision to the Administrator, whom is hereby charged with the responsibility for coordinating the processing of such plats. The subdivision plat submitted to the Administrator must be made in accordance with the regulations set forth in this Ordinance.
- b. A final subdivision plat shall be approved by the Administrator before the subdivision of a parcel may be recorded. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the Administrator in accordance with these regulations.

2.4 Exemptions

- a. Pursuant to North Carolina General Statute 160D-802, the following are exempt from regulation under this Ordinance:
 - i. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City as shown in this Ordinance.
 - ii. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
 - iii. The public acquisition by purchase of strips of land for the widening or opening of streets.
 - iv. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in this Ordinance.
 - v. The Division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.
- b. Prior to recording a plat pursuant to such exemptions, it must bear the notation, "Exempt from review pursuant to the City of Archdale Subdivision Ordinance," and be signed by the Planning Director.

2.5 Expedited Subdivision Plats

- a. Pursuant to North Carolina General Statute 160D-802(c), the City only requires the submission a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:
 - i. The tract or parcel to be divided is not considered exempt under Section 2.4(a) of this ordinance.
 - ii. No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
 - iii. The entire area of the tract or parcel to be divided is greater than five acres.
 - iv. After division, no more than three lots result from the division.
 - v. After division, all resultant lots comply with all of the following:
 1. Any lot dimension size requirements of the applicable land use regulations, if any.
 2. The use of the lots is in conformity with the applicable zoning requirements, if any.
 3. A permanent means of ingress and egress is recorded for each lot.

2.6 Recordation of Unapproved Plat Prohibited

No person shall file or record any subdivision plat required by this Ordinance until such plat shall have been approved, and such approval evidenced thereon, in accordance with the regulations set forth in this Ordinance. The penalties for the recordation of an unapproved plat shall be the same as those provided for in North Carolina General Statute 160D-807.

2.7 Sale or Transfer of Property in Violation of This Ordinance Prohibited

Unless such subdivision was created prior to the adoption of this ordinance and any other subdivision ordinance applicable thereto then no land described in this Section shall be subdivided, sold, or transferred until each of the following conditions has occurred in accordance with these regulations:

- i. The applicant or his agent has submitted a conforming Sketch Plat of the subdivision to the Administrator; and the applicant or his agent has obtained approval of the Sketch Plat, a Preliminary Plat (when required), and a Final Plat as provided in this Ordinance; and
- ii. The applicant or his agent files the Final Plat with the Register of Deeds.

The penalties for the sale or transfer of property in an unapproved subdivision shall be the same as those provided for in North Carolina General Statute 160D-807.

2.8 Issuance of Permit in Violation of This Ordinance

No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of this Ordinance, and no construction of any public or private improvements shall be commenced, except in conformity with the requirements of this Ordinance.

2.9 Prohibition Against Clearcutting

There shall be no clearcutting in any development or vacant parcel in excess of one acre within the Archdale City Limits or its ETJ without first having applied for and received approval from the Planning Director. The term "clearcutting" shall refer to the indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for non-agricultural purposes. The provisions of this Section shall not regulate bona fide forestry activity as defined in North Carolina General Statute 160D-921, provided, however, that following a permitted timber harvest that has the result of removing all, or substantially all, of the trees protected under this or another City ordinance, no preliminary or final Subdivision Plat for the parcel(s) shall be approved for three years following the conclusion of the harvest per the authority granted in North Carolina General Statute 160D-921(c)(1)(a).